

HALIFAX REGIONAL COUNCIL  
MINUTES

September 10, 2013

PRESENT:

Mayor Mike Savage  
Deputy Mayor Reg Rankin  
Councillors: Barry Dalrymple  
David Hendsbee  
Bill Karsten  
Lorelei Nicoll  
Gloria McCluskey  
Darren Fisher  
Waye Mason  
Jennifer Watts  
Linda Mosher  
Russell Walker  
Stephen Adams  
Matt Whitman  
Brad Johns  
Steve Craig  
Tim Outhit

STAFF:

Mr. Richard Butts, Chief Administrative Officer  
Mr. Martin Ward, Municipal Solicitor  
Ms. Cathy Mellett, Municipal Clerk  
Ms. Sherryl Murphy, Deputy Clerk  
Ms. Jennifer Weagle, Legislative Assistant  
Mr. Darcy Warren, Legislative Assistant

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**1. INVOCATION**

The Mayor called the meeting to order at 1:00 p.m. with the Invocation being led by Councillor Whitman.

**2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

Members of Council noted a number of community announcements and acknowledgements.

Councillor Adams asked the Mayor for a Proclamation declaring Sunday, September 15, 2013 Spay & Neuter Day in HRM.

Councillor Watts asked the Mayor to send a letter of appreciation to Knox Presbyterian Church, which held its last service on Sunday, September 8, 2013.

**3. APPROVAL OF MINUTES – July 23, 30 & August 6, 2013**

Councillor McCluskey corrected the spelling of Crichton Avenue on page 16 of the August 6, 2013 minutes.

Councillor Watts noted on page 8 of the July 23, 2013 minutes that, as seconder of the motion, she had not been in agreement to the amendment to the motion.

Councillor Watts requested that under Item 10.1.2 Halifax Water Sewer System – Chain of Lakes Trail in the July 30, 2013 minutes, further detail be included in the minutes regarding the discussion on the impact of wastewater going into the Halifax Peninsula system with increased density needing to be diverted to Herring Cove, necessitating the eventual development of a pumping station at the Armdale Rotary.

Councillor Mosher, referring to pages 6 and 7 of the July 30, 2013 minutes, read a letter of clarification from the Halifax Water Commission with regard to the funding of the Halifax Water Sewer System along the Chain of Lakes Trail (also known as the Lakeside Pumping Station Diversion Project). She asked that the letter be included for the record.

Councillor Fisher clarified that his enquiry on page 29 of the July 30, 2013 minutes during the public hearing for Case 16417 was whether the amendments requested were specific to a church being on the property.

**MOVED by Councillor McCluskey, seconded by Councillor Karsten, that the Halifax Regional Council minutes of July 23, July 30 & August 6, 2013 be approved as amended. MOTION PUT AND PASSED.**

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

At the request of Councillor Johns, Item 11.2.1 HRM Composting Facilities Wastewater Treatment Business Case Opportunity – Highway 101 Leachate Treatment Facility was moved to immediately follow item 10.2 Petitions.

Councillor Karsten asked that Information Item #4 “Memorandum from the Director of Planning & Infrastructure dated August 7, 2013 re: Cow Bay Road, Deep Storm Sewer Project” be added to the next Regional Council agenda for discussion.

Additions:

14.1 Councillor Adams - Lighthouses

**MOVED by Councillor Nicoll, seconded by Councillor Mason, that the agenda be approved as amended. 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 – 6:00 p.m.**

**9.1 By-law N-200, Respecting Noise – Exemption Application – Dalhousie University DALfest**

This item was addressed later in the meeting. Refer to page 23.

**9.2 Project No. PN1286 – Dartmouth Main Street Plan Review – Amendments to the Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) for Dartmouth**

This item was addressed later in the meeting. Refer to page 24.

**9.3 Case 17759 – Municipal Planning Strategy (MPS)/Land Use By-law (LUB) Amendments and Development Agreement for the northeast corner of Dutch Village Road and Andrew Street, Halifax (Joint Public Hearing with Halifax & West Community Council)**

This item was addressed later in the meeting. Refer to page 29.

**10. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**10.1 Correspondence**

**10.1.1 Request for Flypast - PO2 Craig Blake Memorial Park**

Correspondence from Councillor Darren Fisher dated August 28, 2013 was before Council.

**MOVED by Councillor Fisher, seconded by Councillor McCluskey, that Halifax Regional Council approve a fly-past of a Sea King helicopter from 12 Wing Shearwater flying at levels as low as 500 feet over Montebello Park on September 21, 2013 between 12:30pm and 1:00pm in conjunction with the ribbon cutting ceremony to commemorate the renaming of the park to “PO2 Craig Blake Memorial Park”.**

**MOTION PUT AND PASSED UNANIMOUSLY.** (17 in favour, 0 against)

#### **10.1.2 Request for Flypast – 2013 Nova Scotia Boomer’s Legacy Ride**

Correspondence from S.C. Latter, Lieutenant-Colonel, National Defence, dated August 2013 was before Council.

**MOVED by Councillor Mason, seconded by Councillor Nicoll, that Halifax Regional Council approve a fly-past by a Royal Canadian Air Force Sea King helicopter over the MacDonald Bridge and Citadel Hill on September 14, 2013 in support of the 2013 Nova Scotia Boomer’s Legacy Ride.**

**MOTION PUT AND PASSED UNANIMOUSLY.** (16 in favour, 0 against)

Councillor Hendsbee was not present for the vote.

### **10.2 Petitions**

#### **10.2.1 Councillor Outhit**

Councillor Outhit submitted a petition signed by approximately 262 residents requesting that an unnamed body of water adjacent to Hemlock Ravine Park be named “Cabin Lake”.

#### **10.2.2 Councillor Adams**

Councillor Adams submitted a petition signed by approximately 81 residents requesting that the Metro Transit route #15 be extended around the Herring Cove Loop.

## **11.2 ENVIRONMENT AND SUSTAINABILITY COMMITTEE**

### **11.2.1 HRM Composting Facilities Wastewater Treatment Business Case Opportunity – Highway 101 Leachate Treatment Facility**

A report dated August 14, 2013 from the Environment & Sustainability Standing Committee, with attached staff report dated July 2, 2013 was before Council.

**MOVED by Councillor Dalrymple, seconded by Councillor Karsten, that Halifax Regional Council:**

- 1. Endorse the business case on offsite leachate processing at the Highway 101 site contained within the July 2, 2013 staff report.**
- 2. Direct staff to undertake the application to change the Highway 101 site closure permit to accept offsite leachate.**
- 3. Direct staff to undertake all required aspects of the permit application process, including public consultation, and submit to Nova Environment for approval.**

Councillor Dalrymple spoke in support of the motion, noting that the site currently operates at 35% capacity, and HRM currently ships leachate to Northern New Brunswick and Quebec at a considerable cost.

Responding to questions from Councillor Johns, Mr. Gord Helm, Manager, Solid Waste, clarified that there has been no new material processed on the site since the closure in 1996. He further clarified that the site has been used for energy extraction.

Councillor Johns spoke in opposition to the motion, noting that this is a closed site and it should not be reopened. He commented on past issues associated with the Sackville landfill site, and difficulties imposed on residents of the area for 20 years, including the smell, the attraction of rodents and gulls, and the contamination of the Sackville River.

Councillor Craig spoke in support of the motion, noting that Council has this asset and a responsibility to all of HRM. He suggested that it would not be disrespectful to undertake community consultation to take another look at the site with an open mind.

Responding to questions from Councillor Watts, Mr. Helm advised that after the public consultation, the matter will be brought forward to the Environment & Sustainability Standing Committee and then Regional Council.

Councillor Johns requested that residents of neighbourhoods surrounding McCabe's Lake and Webber Lake be consulted, including White Hills, McCabe's Lake, Glen Arbour, and Waterstone.

Councillor Hendsbee indicated that HRM needs to find operational efficiencies, but also needs to have redress and compensation to the affected community.

Deputy Mayor Rankin noted that he is not in favour of the motion as it stands to “endorse the business case on offsite leachate processing at the Highway 101 site”, noting that this should be “subject to public consultation”.

Responding to questions from Councillor Whitman, Mr. Helm clarified that the Sackville landfill continues to generate its own leachate, which is what is currently being treated at the facility.

**MOTION PUT AND PASSED.** (11 in favour, 6 against)

Those voting in favour were: Mayor Savage, and Councillors Dalrymple, Karsten, Nicoll, McCluskey, Fisher, Mason, Watts, Walker, Craig, and Outhit.

Those voting against were: Deputy Mayor Rankin, and Councillors Hendsbee, Mosher, Adams, Whitman, and Johns.

## **11. REPORTS**

### **11.1 CHIEF ADMINISTRATIVE OFFICER**

#### **11.1.1 Award – RFP No. P13-154, Automated Material Handling System for Halifax Public Libraries**

A report dated August 9, 2013 was before Council.

**MOVED by Councillor Mason, seconded by Councillor Watts, that Halifax Regional Council award RFP No. P13-154, Automated Material Handling System for Halifax Public Libraries, to the highest scoring proponent, Tech-Logic in the amount of \$2,094,698.35 (net HST included) with funding from Project No. CBX01269 – Mechanical (Category 6), as outlined in the Financial Implications section of the August 9, 2013 staff report.**

**MOTION PUT AND PASSED UNANIMOUSLY.** (17 in favour, 0 against)

#### **11.1.2 Award - Unit Price Tender No. 13-280, Cow Bay Road Breakwater Upgrade (Phase 2) – Cow Bay Road at Cow Bay Lake - East Region**

A report dated August 16, 2013 was before Council.

**MOVED by Councillor Karsten, seconded by Councillor Nicoll, that Halifax Regional Municipality award Tender No. 13-280, Cow Bay Road Breakwater Upgrade (Phase 2) – East Region, to the lowest bidder meeting specifications, Dexter Construction Company Limited for a Total Tender Price of \$569,922.99 (net HST included) with funding from Project Account No. CRU01079 – Other Road Related Works, as outlined in the Financial Implications section of the August 16, 2013 staff report.**



Responding to a question from Councillor McCluskey, Mr. David Hubley, Manager, Design & Construction Services, indicated that staff see the causeway as a vital link between communities. He noted that damage from the last few storms have necessitated up to \$50,000 in repairs to the road.

**MOTION PUT AND PASSED UNANIMOUSLY.** (15 in favour, 0 against)

Deputy Mayor Rankin and Councillor Johns were not present for the vote.

**11.1.3 Award Tender No. 13-048 Winter Sidewalk Snow and Ice Control East & Award Tender No. 13-049 Winter Sidewalk Snow and Ice Control West**

A report dated July 10, 2013 was before Council.

**MOVED by Councillor Fisher, seconded by Councillor McCluskey, that Halifax Regional Council award Tender No. 13-048 Sidewalk Snow and Ice Control East, to the lowest bidders, meeting specifications noted, and at the estimated prices provided below, for the period of November 1 to April 15 inclusive each year of a four-year term for years 2013 through 2017, and a fifth year option (at HRM's sole discretion) for a one-year extension. Each year of the agreement will be subject to annual review of performance, service and operational requirements. Funding will be from Operating Account R780-6399, Sidewalk Snow and Ice Control, as outlined in the Financial Implications section of the July 10, 2013 staff report. The recommended bidders are:**

- a) **Award Route Nos. SWE4, SWE12 and SWE15 to Excel Property Services, for a total estimated tender price of \$996,276.43 (net HST included).**
- b) **Award Route Nos. SWE7, SWE9, SWE13 and SWE 14 to Provincial Pavement Markings Inc. for a total estimated tender price of \$2,493,536.98 (net HST included).**
- c) **Award Route No. SWE8 to Cutting Edge Construction for a total estimated tender price of \$1,096,710.90 (net HST included).**
- d) **Award Route No. SWE10 to Crimson Contracting for a total estimated tender price of \$342,645.67 (net HST included).**
- e) **Award Route No. SWE11 to Green and White Construction for a total estimated tender price of \$404,629.68 (net HST included).**

**And further that Halifax Regional Council award Tender No. 13-049 Sidewalk Snow and Ice Control West, to the lowest bidders, meeting specifications noted, and at the estimated prices provided below, for the period of November 1 to April 15 inclusive each year of a four-year term for years 2013 through 2017, and a fifth year option (at HRM's sole discretion) for a one-year extension. Each year of the agreement will be subject to annual review of performance, services and operational requirements. Funding will be from Operating Account R781-6399,**

**Sidewalk Snow and Ice Control, as outlined in the Financial Implications of the July 10, 2013 staff report. The recommended awards are:**

- a) Award Route Nos. SWW1 and SWW12 to T&T Excavating for a total estimated tender price of \$713,304.25 (net HST included).**
- b) Award Route Nos. SWW2, SWW3, SWW4, SWW5, SWW6 and SWW7 to Provincial Pavement Markings Inc. for a total estimated tender price of \$1,568,712.61 (net HST included).**
- c) Award Route No. SWW8 to First Class Grass for a total estimated price of \$402,029.17 (net HST included).**

Councillor Fisher suggested that awards for winter sidewalk snow and ice control need to be made earlier in the year to allow time for successful bidders to buy equipment.

At the request of Councillor Whitman, Mr. Gord Hayward, Superintendent Winter Operations, reviewed the three levels of service delivery standards for sidewalks, as follows:

- P1 – sidewalks that abut main arterial roads – cleared 12 hours from the end of snowfall
- P2 – transit routes – cleared 18 hours from the end of the snowfall
- P3 – local sidewalks – cleared 36 hours from the end of the snowfall

Responding to questions from Councillor Watts, Mr. Hayward advised that HRM staff is responsible for snow clearing in the downtown Halifax and downtown Dartmouth business cores, and in the Burnside/North Dartmouth area. He further clarified that there would be no change in service with the award of these new contracts.

In response to questions from Councillor Karsten regarding communications, Mr. Hayward advised that the website will be updated pending the finalization of these tenders. He further clarified that each spring performance reviews are completed with each contract, and contractors are responsible for repairing lawn damage.

Responding to further questions from Councillor Whitman, Mr. Hayward indicated that costs are associated with the length of a route. He indicated that staff can provide maps of routes upon request.

Councillor McCluskey commented on the number of complaints she hears regarding how long it takes for contractors to repair lawn damage. Mr. Hayward acknowledged these complaints, and indicated that staff is working with the contractors to ensure all repairs are completed by June 1<sup>st</sup>.

Councillor Nicoll suggested that standards in tenders be fine-tuned to meet expectations of residents, for example requiring repairs to be made with sod instead of dirt/seed.

**MOTION PUT AND PASSED UNANIMOUSLY. (17 in favour, 0 against)**

**11.1.4 Award Tender No.13-050 Winter Streets Snow and Ice Control Windsor Junction/Fall River & Award Tender No. 13-051 Winter Streets Snow and Ice Control Upper Sackville/Beaver Bank**

A report dated July 10, 2013 was before Council.

**MOVED by Councillor Fisher, seconded by Councillor McCluskey, that Halifax Regional Council award Tender Nos.13-050 Winter Streets Snow and Ice Control Windsor Junction/ Fall River and 13-051 Winter Streets Snow and Ice Control Upper Sackville/Beaver Bank to the lowest bidder, meeting specifications noted and at the estimated prices provided below, for the period of November 1 to April 30 inclusive each year of a four-year term for years 2013 through 2017, and a fifth year option (at HRM's sole discretion) for a one-year extension. Each year of the agreement will be subject to annual review of performance, service and operational requirements. Funding will be from Operating Account R771-6399, East Ice Control, as outlined in the Financial Implications section of this report. The recommended bidders are:**

- a) Award Tender No. 13-050 to Teak Tree Enterprises for a total estimated tender price of \$3,039,234.43 (net HST included).**
- b) Award Tender No. 13-051 to Dexter Construction Company Ltd for a total estimated tender price of \$3,105,695.06 (net HST included).**

Councillor Fisher, while acknowledging the cost savings to HRM through contracting snow and ice removal services, noted that the vehicular accidents and damage to property that sometimes occurs through these contractors is unfortunate.

Councillor Dalrymple, questioning the experience and equipment of one of the bidding companies, noted concern that this may cause a reduction in service for the plowing of rural and suburban areas. He asked for assurance that staff will supervise the contractors to deal with issues as they arise.

At the request of Councillor McCluskey, Mr. Hayward indicated that areas furthest away from the operations bases are contracted out, and the in-house focus is on the downtown cores. Mr. Hayward also clarified that the price submitted by the bidders is all-inclusive, meaning that the price remains the same no matter the number of winter weather events.

Responding to questions from Councillor Johns, Mr. Hayward clarified that the contractors purchase salt from HRM, from the Turner Drive, MacIntosh Run, or Bayers Lake Depots.

Councillor Outhit commented on the importance of keeping ahead of storms when it comes to salting, in particular on the Magazine Hill.

Responding to questions from Councillor Dalrymple, Mr. Hayward advised that pre-brining of streets is included in the contracts.

**MOTION PUT AND PASSED UNANIMOUSLY.** (16 in favour, 0 against)

Deputy Mayor Rankin was not present for the vote.

**11.1.5 Award Tender No. 13-056 Winter Sidewalk Snow and Ice Control West Region Local Sidewalks on the Peninsula and Mainland South**

An extract of the April 30, 2013 Regional Council minutes was before Council.

A staff report dated July 10, 2013 was before Council.

**MOVED by Councillor Mosher, seconded by Councillor Walker, that Halifax Regional Council award Tender No. 13-056, Sidewalk Snow and Ice Control to the lowest bidder, meeting specifications noted, and at the estimated prices provided below for the period of November 1 to April 15 inclusive each year of a four-year term for the years 2013 through 2017, and a fifth year option (at HRM's sole discretion) for a one year extension. Each year of the agreement will be subject to an annual review of performance, service and operational requirements. Funding will be from Operating Account R781-6399, Sidewalk Snow and Ice Control, West Region, as outlined in the Financial Implications section of the July 10, 2013 staff report. The recommended awards are:**

- a) Award Route No. SWP7 to Tracey's Landscaping for a total estimated tender price of \$781,034.88 (net HST included);**
- b) Award Route Nos. SWP4, SWP5, SWP6 and SWW13 to First Class Grass for a total estimated tender price of \$2,433,043.16 (net HST included).**

Responding to questions from Councillor Watts, Mr. Hayward advised that for local/residential sidewalk clearing, the service standard is within 36 hours of the end of the snowfall, although the general experience is that snow is cleared within 24 hours. Mr. Hayward noted that this will be a new service for many Peninsula residents, and will be closely monitored by staff.

Responding to further questions from Councillor Watts, Mr. Bruce Fisher, Manager, Financial Policy & Planning, advised that approving the staff recommendation will have no effect on the budget. He noted that the tender came in lower than expected, and that surplus funds will be used to offset any overages in the budget or a reduction in the 2014-15 budget.

Councillor Watts noted that she has heard from residents that they wanted to have a say in the decision to provide sidewalk snow and ice control service to the remaining local sidewalks on Peninsula Halifax and Mainland South. She encouraged close monitoring of service and a good communication strategy throughout the season.

Councillor Hendsbee inquired as to the status of the seniors' snow removal program, noting that those service providers need to make preparations for the season.

Councillor Mosher suggested that with the reduction in service calls By-law Enforcement Officers will have to make this winter, perhaps they could assist with distributing notices to homeowners about the new service and how to protect property. Mr. Richard Butts, CAO, advised that an extensive communication plan will be implemented.

**MOTION PUT AND PASSED.** (14 in favour, 2 against)

Those voting in favour were: Mayor Savage, Deputy Mayor Rankin, and Councillors Hendsbee, Karsten, Nicoll, McCluskey, Fisher, Mason, Mosher, Walker, Adams, Whitman, Craig, and Outhit.

Those voting against were: Councillors Dalrymple and Watts.

Councillor Johns was not present for the vote.

#### **11.1.6 Canadian Naval Memorial Trust – Funding Request for Design Competition**

A staff report dated August 20, 2013 was before Council.

**MOVED by Councillor Mason, seconded by Councillor McCluskey, that Halifax Regional Council refer the Canadian Naval Memorial Trust request for \$50,000 to the HRM Grants Committee for consideration of the proposal with funding coming from the 2012-13 surplus.**

**MOTION PUT AND PASSED UNANIMOUSLY.** (16 in favour, 0 against)

Councillor Johns was not present for the vote.

#### **11.1.7 Cost Sharing Agreement – Nova Scotia Metropolitan Regional Housing Authority – Old Beaver Bank Road New Sidewalk**

A staff report dated August 15, 2013 was before Council.

**MOVED by Councillor Craig, seconded by Councillor Nicoll, that Halifax Regional Council authorize the Mayor and Clerk to sign an agreement with the Nova Scotia Metropolitan Regional Housing Authority for \$46,715.00 (net HST included) with funding from Project Account No. CR000003 New Sidewalks, as outlined in the Budget Implications section of the August 15, 2013 staff report.**

**MOTION PUT AND PASSED UNANIMOUSLY.** (16 in favour, 0 against)

Councillor Johns was not present for the vote.

#### **11.1.8 HRM Acquisition of a Portion of Hines Road & Caldwell Road, Eastern Passage**

A staff report dated August 7, 2013 was before Council.

**MOVED by Councillor Karsten, seconded by Councillor Nicoll, that Halifax Regional Council:**

- 1) **Approve the acceptance of ownership of a portion of Hines Road and Caldwell Road, Eastern Passage, as shown as Parcel 00-3A-1 and Parcel 00-3A-2 on Attachment “A1” and “A2”, respectively; and**
- 2) **Authorize the Mayor and Municipal Clerk to sign the Environmental Disclosure Agreement, as per Attachment “B” of the August 7, 2013 staff report.**

**MOTION PUT AND PASSED UNANIMOUSLY.** (15 in favour, 0 against)

Councillors Mosher and Johns were not present for the vote.

**11.1.9 Second Reading, By-law S-438 – an Amendment to By-law S-400 Respecting Charges for Street Improvements, New Paving of HRM Owned Subdivision Streets – 2012**

A draft extract of the July 23, 2013 Regional Council minutes was before Council.

A staff report dated June 11, 2013 was before Council.

**MOVED by Councillor Dalrymple, seconded by Councillor Hendsbee, that Halifax Regional Council approve By-law S-438, an amendment to By-law S-400, Respecting Charges for Street Improvements, relating to New Paving of HRM Owned Subdivision Streets – 2012.**

Councillor Hendsbee noted that the report does not use the current district numbering, and asked that this be updated.

Responding to questions from Councillor Nicoll, Mr. Bruce Fisher, Manager, Financial Policy & Planning, indicated that when the motion was approved by Council on February 12, 2013, it became clear to staff that HRM would have to widen the urban boundary to those suburban zones that had sidewalks within one kilometer. This was presented to Council at the time of the resolution, and Council approved amending the urban boundary in the budget to include all suburban areas with sidewalks within one kilometer. The remaining suburban area does not pay for sidewalks.

**MOTION PUT AND PASSED UNANIMOUSLY.** (17 in favour, 0 against)

**11.1.10 Second Reading, By-law C-702 & Administrative Order 20 – By-law Respecting an Amendment to the Cemeteries By-law and Amendments to Administrative Order Number 20 (Cemeteries)**

A draft extract of the July 23, 2013 Regional Council minutes was before Council.

A second supplementary staff report dated June 6, 2013 was before Council.

**MOVED by Councillor Craig, seconded by Councillor Whitman, that Halifax Regional Council:**

- 1) Approve By-law C-702 Respecting an Amendment to the Cemeteries By-law C-700, as set out in Attachment A and approve the amendments to Administrative Order Number 20 as set out in Attachment E of this Second Supplementary Report dated June 6, 2013;**
- 2) Direct staff to enter into the Memorandum of Understanding with the Last Post Fund, as set out in Attachment I of this Second Supplementary Report;**
- 3) Accept the conveyance from the Last Post Fund of the Last Post Columbarium in the Fairview Cemetery, as set out in Attachment I of this Second Supplementary Report; and**
- 4) Authorize the Director of Transportation and Public Works to execute the Memorandum of Understanding with the Last Post Fund, as set out in Attachment I of this Second Supplementary Report.**

At the request of Councillor Adams, Ms. Bonnie Murphy, Cemetery Administrator, clarified that for internments on weekends, holidays and after hours, HRM is required to bring in staff to collect payments and permits, and that staff are required to be paid for a four hour minimum, as per the union contract. Ms. Murphy noted that an information report "Administrative Order Number 20, Respecting Fees for Cemetery Services" (dated August 23, 2013) is included in the agenda package and explains overtime rates for internments. She further explained that there is a \$500 charge on weekends and holidays and a \$150 charge for after-hours internments.

**MOTION PUT AND PASSED UNANIMOUSLY.** (17 in favour, 0 against)

Council recessed at 3:01p.m., resuming at 3:17 p.m.

**11.1.11 Case 18514 – Initiation of Amendments to the Bedford South, Wentworth and Bedford West Secondary Planning Strategies to change residential density near the Larry Uteck Boulevard Interchange, Bedford and Halifax**

A staff report dated August 26, 2013 was before Council.

**MOVED by Councillor Outhit, seconded by Councillor Walker, that Halifax Regional Council:**

- 1. Authorize staff to initiate the process to consider amending the Bedford South, Wentworth and Bedford West Secondary Planning Strategies**

- (SPS's) and subsequently, Bedford and Halifax Mainland Land Use By-laws and supporting Development Agreements, to enable reallocation of residential density near the Larry Uteck Boulevard Interchange in Bedford and Halifax;**
- 2. Direct staff to include a policy provision requiring the completion and connection of Starboard Drive prior to Construction Permits being issued for the proposed reallocation of residential density around the Larry Uteck Boulevard Interchange; and**
  - 3. Request staff follow the public participation program as approved by Council in February 1997, and that the public participation program shall not commence until such time as the required blasting and mass earth works is completed for the remaining portion of Starboard Drive on the subject lands owned by Cresco.**

The Clerk clarified that the amendment to recommendation #3 is an addition to the staff recommendations. Council agreed to allow the amendment.

Councillor Outhit commented that the community is anxious to have Starboard Drive completed, in case of an emergency.

Responding to questions from Councillor McCluskey, Mr. Andrew Bone, Senior Planner, clarified that the proposal would enable a transfer of density from the west side of the site to the east side and that there would be no increase in total number of units. Mr. Bone further clarified that this is a proposal at this stage, and the public participation and staff review process will evaluate any concerns. He noted that at this stage, staff does not anticipate any change in Capital Cost Contributions (CCCs), which will pay for the density allocated. Mr. Bone indicated that through the staff review stage, staff will ensure that no costs are incurred to the municipality, and this would be included in the final staff report.

**MOTION PUT AND PASSED UNANIMOUSLY.** (15 in favour, 0 against)

Councillors Mosher and Johns were not present for the vote.

Councillor Mosher entered the meeting at 3:26 p.m.

**11.1.12 Case 18565 – Municipal Planning Strategy (MPS) Amendments, 1034, 1042, 1050 and 1056 Wellington Street, Halifax**

A staff report dated August 23, 2013 was before Council.

Correspondence from the following members of the public was also before Council: Bruce MacDougall, Rebecca A. Jamieson & Christopher Beaumont, Kevin Forward, Anna Fraser & Alan Grant, Marek Kujath, Anne West, Richard Peisinger, Patricia Whitman, Christina and Kirk Annand, Dr. W. David Jamieson, Michael McCurdy,



Jennifer van Rooyen, The Le Blanc Family, David Lemon, Oriel C.L. MacLennan, and Karen Abbey.

Mr. Mitch Dickey, Planner, presented the application to Regional Council.

**MOVED by Councillor Mason, seconded by Councillor Watts, that Halifax Regional Council not initiate the process to consider amending the Halifax Municipal Planning Strategy for the lands located at 1034, 1042, 1050 and 1056 Wellington Street to enable a multi-unit residential building with increased density and height by development agreement.**

Councillor Mason indicated that this is not an area that would have contemplated this height in the Centre Plan. He noted concerns with putting a high-rise development immediately adjacent to single family homes. Councillor Mason commented that Wellington Street is a very narrow street, and the proposal would cause shadow on a public park for most of the day. He noted that buildings of five-storeys are the highest on Wellington Street.

Responding to questions from Councillor Adams, Mr. Dickey clarified that the developer has received development permits for 23 units with 201 bedrooms on this site. Mr. Dickey confirmed that this would mean a density of eight bedrooms per unit, meaning that the as-of-right development and the proposal would be two very different forms of development. Councillor Adams indicated that he would rather go through the process and give the community an opportunity to speak to the proposal.

In response to questions from Councillor McCluskey, Mr. Dickey indicated that there are towers nearby of 13 and 15 storeys. Mr. Dickey further noted that the MPS context is important as it supports a lower rise, low density environment going forward through the plan in the area. He clarified that under the current policy there is no development agreement option, although this may be something that Council could consider if it is deemed appropriate to send this to public consultation. Councillor McCluskey indicated that she is not clear why high rise developments are deemed appropriate in some low-rise residential neighbourhoods, and out of character in others.

Councillor Dalrymple spoke in opposition to the motion, noting that the downtown needs density. He suggested that these units would likely be targeted toward university students with such a close proximity to the universities, and he feels it would be suitable to the area.

Responding to questions from Councillor Hendsbee, Mr. Dickey clarified that should Council allow this to move forward, the proposal would follow the MPS process. A public information meeting would be held with the Planning Advisory Committee, and ultimately come back to Community Council and Regional Council. Mr. Dickey clarified that the approval process for this proposal would take between eight months and a year to complete.

Councillor Watts spoke in support of the motion, noting that she has an issue with the design and the impact of the design on the community. She indicated that there is clear

opposition from the community, and suggested allowing the developer to come up with a more appropriate design for the community.

Councillor Karsten spoke in opposition to the motion, and in favour of density on the peninsula, noting that should Council choose to initiate the MPS amendment process for this proposal, there will be an opportunity for public consultation.

Deputy Mayor Rankin spoke in opposition to the motion, suggesting that the community should have a say in the type of housing for their neighbourhood.

Councillor Nicoll spoke in support to the motion, commenting on the preservation of communities.

Councillor Mosher spoke in opposition to the motion, noting that she does not believe that local residents would be comforted by the as-of-right potential development. She indicated that this should go forward to the public for discussion.

Councillor Mason clarified for Council that the proposal is not in the downtown, it is in a functioning residential neighbourhood with an elementary school. He spoke of the importance of closing the loophole that would allow a nine or twelve bedroom apartment, noting that domestic student enrollment is down and there are many apartment vacancies locally.

Responding to an inquiry from Councillor Outhit, Councillor Mason clarified that the developer has discussed the as-of-right scenario with surrounding residents, and that residents were willing to risk not initiating the public process because they don't believe the as-of-right would be built.

**MOTION DEFEATED.** (5 in favour, 11 against)

Those voting in favour were: Councillors Nicoll, Mason, Watts, Craig, and Outhit.

Those voting against were: Mayor Savage, Deputy Mayor Rankin, and Councillors Dalrymple, Hendsbee, Karsten, McCluskey, Fisher, Mosher, Walker, Adams, and Whitman.

Councillor Johns was not present for the vote.

**MOVED by Councillor Adams, seconded by Councillor Karsten, that Regional Council initiate the process to consider amending the Halifax Municipal Planning Strategy for the lands located at 1034, 1042, 1050 and 1056 Wellington Street to enable a multi-unit residential building with increased density and height by development agreement.**

**MOTION PUT AND PASSED.** (13 in favour, 3 against)

Those voting in favour were: Mayor Savage, Deputy Mayor Rankin, and Councillors Dalrymple, Hendsbee, Karsten, Nicoll, McCluskey, Fisher, Mosher, Walker, Adams, Whitman, and Outhit.

Those voting against were: Councillors Mason, Watts, and Craig.

Councillor Johns was not present for the vote.

**11.1.13 Case 18708 – Initiation of Municipal Planning Strategy (MPS) and Land Use By-law (LUB) Amendments for the Nova Centre, Halifax**

A staff report dated August 27, 2013 was before Council.

**MOVED by Councillor Mason, seconded by Councillor McCluskey, that Halifax Regional Council:**

- 1. Authorize staff to initiate the process to consider amending the Downtown Halifax Secondary Municipal Planning Strategy and Downtown Halifax Land Use By-law to allow an updated design of the Nova Centre on the lands that are bounded by Argyle, Sackville, Market, and Prince Streets, Halifax; and**
- 2. Request staff follow the public participation program for the Municipal Planning Strategy amendment process as approved by Halifax Regional Council in February 1997.**

Responding to questions from Councillor Watts, Mr. Richard Harvey, Urban Design Project Manager, clarified that the recommendation essentially replaces one building diagram with another diagram which indicates an increased building volume, as well as other policy considerations such as the consolidation of blocks in the downtown and the closure of a portion of Grafton Street. If approved by Council, the proposal will follow the site plan approval process, through the HRM Development Officer and the Design Review Committee.

Councillor Hendsbee inquired whether, through amendments during the Regional Plan Review, Council could initiate a process to administratively approve amendments without going through this time consuming process. Mr. Harvey indicated that through the MPS, this is considered a substantive amendment and must go through the public consultation process.

**MOTION PUT AND PASSED UNANIMOUSLY.** (16 in favour, 0 against)

Councillor Johns was not present for the vote.

## **11.2 ENVIRONMENT AND SUSTAINABILITY COMMITTEE**

### **11.2.1 HRM Composting Facilities Wastewater Treatment Business Case Opportunity – Highway 101 Leachate Treatment Facility**

This item was dealt with earlier in the meeting, refer to page 6.

## **11.3 HERITAGE ADVISORY COMMITTEE**

### **11.3.1 Case H00369 – Substantial Alteration to 1230-1234 Barrington Street, Halifax - Gerrard Lodge, a Registered Heritage Property**

A copy of the staff presentation was before Council.

A staff report dated April 16, 2013 was before Council.

**MOVED by Councillor Mason, seconded by Councillor Hendsbee, that Halifax Regional Council approve the proposed substantial alteration to the Gerrard Lodge as outlined in Attachments A through C of the January 31, 2013, with the following amendments:**

- **The base of the proposed townhouse addition be clad with the same shingles as on the upper level, instead of cultured stone, provided that it meets land use bylaw requirements;**
- **The deck, which is proposed in order to meet open space requirements, be dealt with by the proposed townhouse addition (which is the portion of the property that generates those open space requirements) rather than the existing heritage property; and**
- **Approve Option I of the revised elevation options.**

**MOTION PUT AND PASSED UNANIMOUSLY.** (16 in favour, 0 against)

Councillor Johns was not present for the vote.

### **11.3.2 Case H00386 – Substantial Alteration to 1572 Barrington Street, a Registered Heritage Property**

A copy of the staff presentation was before Council.

A report from the Heritage Advisory Committee dated August 15, 2013, with attached staff report of July 5, 2013, was before Council.

**MOVED by Councillor Mason, seconded by Councillor Hendsbee, that Halifax Regional Council approve the proposed substantial alteration to the building facade at 1572 Barrington Street as outlined in Attachments A through G of the July 5, 2013 staff report, with the following amendments:**

- a) the colour of the roof be compatible with the heritage character of the building (Heritage Design Guidelines 4.4.2 and 4.4.3)
- b) the original inscriptions be reproduced in the replacement stone (Heritage Design Guideline 4.5.6, Building Conservation Standards 2, 5, and 6);
- c) that any stone removed during demolition with inscriptions that are legible be retained onsite and incorporated in the design of the building, if possible (Heritage Design Guideline 4.56).

**MOTION PUT AND PASSED UNANIMOUSLY.** (15 in favour, 0 against)

Deputy Mayor Rankin and Councillor Johns were not present for the vote.

#### **11.4 MEMBERS OF COUNCIL**

##### **11.4.1 Councillor Fisher – Financial Request from the Red Cross**

A request for Council's consideration form was before Council.

**MOVED by Councillor Fisher, seconded by Councillor Hendsbee, that Halifax Regional Council request a staff report outlining a recent financial request to the Municipality from the Red Cross for their new emergency centre, the status of the request, as well as possible funding options.**

**MOTION PUT AND PASSED.** (15 in favour, 0 against)

Deputy Mayor Rankin and Councillor Johns were not present for the vote.

#### **12. MOTIONS - NONE**

#### **13. IN CAMERA**

##### **13.1 In Camera Minutes – July 23 & August 6, 2013**

Councillor Outhit noted that he was present for the July 23, 2013 In Camera meeting.

**MOVED by Councillor Fisher, seconded by Councillor Mason, that the In Camera minutes of July 23, 2013 be approved as amended, and that the In Camera minutes of August 6, 2013 be approved as circulated. MOTION PUT AND PASSED.**

The minutes were approved during the public session; no In Camera meeting was held.

#### **14. ADDED ITEMS**

#### **14.1 Councillor Adams - Maintenance of Lighthouses**

A request for Council's consideration form was before Council.

**MOVED by Councillor Adams, seconded by Councillor Hendsbee, that Halifax Regional Council request a staff report directing HRM staff work with other levels of government and community groups to develop a strategy to help maintain lighthouses throughout HRM; and to ensure safe public access to these iconic cultural and historically significant structures.**

Mayor Savage, noting concern that the wording of the motion may presume action, proposed the following amendment to the motion: that Halifax Regional Council request a staff report looking at options and implications arising from the decision of the Federal Government to divest itself of lighthouses and lighthouse maintenance and access. Council agreed to allow the amendment.

A vote was taken on the amended motion as follows:

**MOVED by Councillor Adams, seconded by Councillor Hendsbee, that Halifax Regional Council request a staff report looking at options and implications arising from the decision of the Federal Government to divest itself of lighthouses and lighthouse maintenance and access.**

**MOTION PUT AND PASSED UNANIMOUSLY.** (15 in favour, 0 against)

Deputy Mayor Rankin and Councillor Johns were not present for the vote.

#### **15. NOTICES OF MOTION**

##### **15.1 Councillor Mason**

"Take notice that, at the next regular Regional Council meeting, to be held on Tuesday the 17<sup>th</sup> day of September, 2013, I propose to move the following: that Council request a staff report outlining the proposed Memorandum of Understanding between HRM and The Scots: The North British Society regarding Victoria Park."

##### **15.2 Councillor Mason**

"Take notice that, at the next regular Regional Council meeting, to be held on Tuesday the 17<sup>th</sup> day of September, 2013, I propose to move the following: that Council request a staff report that outlines a policy to allow limited use camping permits in HRM parks to not-for-profits, limited to no more than once per year per not-for-profit, and with limited availability of one camping opportunity per HRM park per quarter."

Council recessed at 4:32 p.m.

**9. PUBLIC HEARINGS – 6:00 P.M.**

Regional Council reconvened at 6:00 p.m.

**9.1 By-Law N-200, Respecting Noise – Exemption Application – Dalhousie University DALfest**

The following were before Regional Council:

- A staff report dated August 16, 2013

The Mayor reviewed the rules for public hearings before inviting staff to make a presentation on the Noise Exemption request.

Ms. Tanya Philips, Manager, By-Law Standards, informed Council that the Dalhousie Student Union is planning two outdoor concerts as part of DALfest for new and returning students of Dalhousie University.

Ms. Phillips indicated that an exemption from By-Law N-200, Respecting Noise, is being requested for Friday, September 13, 2013: 9:30 p.m. – 10:30 p.m. and Saturday, September 14, 2013: 7:00 p.m. – 10:30 p.m.

Notice of the Council session at which this hearing was to take place had been sent to property owners within 100 feet of the University Avenue portion of the Dalhousie campus.

Staff is recommending that Council approve the exemption.

The Mayor thanked staff for the presentation and asked members of Council if they had questions of clarification.

Councillor McCluskey requested clarification for the hours of the concerts. Ms. Phillips responded that the concerts begin at 6:00 p.m. and end at 10:15 p.m. and the hours of exemption are Friday, September 13, 2013: 9:30 p.m. – 10:30 p.m. and Saturday, September 14, 2013: 7:00 p.m. – 10:30 p.m.

There being no further questions, the Mayor invited residents for or against the proposal to the microphone.

The Mayor called three times for any additional speakers. There being none, the following motion was put on the floor:

**MOVED by Councillor McCluskey, seconded by Councillor Mason, that the public hearing be closed. MOTION PUT AND PASSED.**

**MOVED by Councillor Mason, seconded by Councillor Nicholl, that Halifax Regional Council approve the Dalhousie Student Union's application for an exemption from the provisions of the Noise By-Law as contained in Attachments A, B and C of the August 16, 2013, staff report.**

**MOTION PUT AND PASS UNANIMOUSLY.** (15 in favour; 0 against)

Deputy Mayor Rankin and Councillor Johns were not present for the vote.

**9.2 Project No. PN1286 – Dartmouth Main Street Plan Review – Amendments to the Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) for Dartmouth**

The following were before Regional Council:

- A staff report dated July 8, 2013
- A copy of the staff presentation dated September 10, 2013
- Draft Extract of minutes – Regional Council – July 23, 2013
- Correspondence from Lawrence Pye, Daniel Dumont, and Rob and Heather Philp.
- Modified resolution for Dartmouth Main Street Plan Review

The Mayor invited staff to make a presentation on Project No. PN1286.

Mr. Marcus Garnett, Senior Planner, Planning and Infrastructure presented to Council on Project No. PN1286 – Dartmouth Street Plan Review. Mr. Garnett reminded Council that on May 13, 2008 Regional Council approved in principle the “Main Street Dartmouth - Planning Vision and Streetscape Concept”. On January 20, 2008 Regional Council, authorized staff to prepare a secondary Planning Strategy for Main Street Dartmouth and vicinity.

Mr. Garnett proceeded to inform Council on the consultation process, Public Sessions and ongoing Business Improvement District (BID) Liaison. Mr. Garnett stated that there were five Public Sessions dealing with the following:

1. Parking and shortcutting
2. Building styles and development patterns
3. Concept and draft rules
4. Refining the rules: transportation analysis
5. Public Information Meeting

The ongoing Business Improvement District Liaison included an introductory BID meeting. Breakfast meetings were held for any new updates. The Liaison met with individual owners upon request and gave an overview of proposed new rules to special BID meetings.

Mr. Garnett noted that the approved process was revised to include two additional workshops, two business information meetings and a commercial landowner mail out.

Mr. Garnett informed Council that the proposal requires a “Main Street Designation” that will:

- Foster a town centre as a focal point for residential and commercial investment
- Pedestrian oriented buildings and spaces
- Recognize need for automobile access



- Reduce uncertainty through as-of-right mixed-use and multiple-unit residential zoning with design requirements

The Main Street Designation has three (3) sub-designations; Town Centre; Town Residential; and Neighbourhood Edge. Mr. Garnet advised that the Town Centre Sub-Designation would include sidewalk retail with offices/ residences above. The Town Residential Designation would include townhouses, apartments or condos near Town Centre's goods and services. The Neighbourhood Edge Designation would include an orderly transition between medium - density or high- traffic areas and established low-density neighbourhood.

Mr. Garnet went on to explain the proposed zoning for the "Main Street Designation". He stated that the project will try to retain zoning already in place. The design rules must also apply to the proposed zoning. The C-2 zoning would remain in effect. The General commercial (C-2) Zone will be used for a walkable mix of uses and buildings. This would include sidewalk-oriented commercial on ground floor; General Office's maximum of three (3) floors to avoid competition with downtown; residences above, as-of-right; no industrial storage or "adult" uses; and have rear or sub-grade parking.

Mr. Garnet then explained the Medium Density Residential (R-3) Zone. He stated that in the Lakecrest/Valleyfield, multiple unit facades must resemble townhouses and the street walk must be low (two storeys). He also noted that in other locations the project may have a four storey street wall and that 12.2 m (40ft) separation from R-1, R-1A or R-2 zones would be required.

Mr. Garnet described to Council the Neighbourhood Live-Work (NLW) Zoning. The NLW would allow low-impact live/work proposals with craft shops, spas, studios and offices. The area would be for accessory retail only. The other uses and rules are comparable to R-1A. Mr. Garnet went on to state that there would be limited signage, and that the Auxiliary Dwelling Units (R-1A) would add more residents near shopping, while retaining a small scale. He further explained that as in R-1, plus one auxiliary unit up to 40% of gross floor area, the dwelling must retain the appearance of a single house.

New rules for parking lots would also be included in the proposal. There would be no new front yard parking, no new side-yard parking, except alongside a driveway. A Development Agreement option for the large shopping centres on Tacoma Drive and Gordon Avenue for large front yard setbacks would be considered. The Buildings would include maximum setbacks on Gordon, Major and Hartlen of 6.1m (20ft.) and Main, Tacoma and Caledonia of 9.1m (30 ft.)

In regards to roofs and walls, Mr. Garnet described that R-3 and NLW Zones would have breaks every 12.2 m (40 ft.) and that C-2 Zone would have breaks every 24.4 m (80 ft.). The windows could be vertical or square with minimum ratios to walls

Mr. Garnet indicated nonconforming structures may be altered if:

- The nonconforming structure remains on one lot
- Additions total no more than 697 sq. m (7500 sq. ft.)
- Additions are for a permitted use

- Additions respect all the new rules
- A landscaped walkway links the door and sidewalk

Mr. Garnet went on to inform Council of two minor changes based on input received from the public. These were reviewed by Legal and are minor in nature. In the original report "Definition of Height" provided that all areas were eligible for an additional 5 m (15 ft.) of loft/penthouse. The revision would allow only areas with a maximum height exceeding 10.7 m (35 ft.) to be eligible for the additional 5 m (15 ft.) of loft/penthouse.

Mr. Garnet closed his presentation by asking Regional Council to approve the recommendations of staff with the two minor amendments.

The Mayor thanked Mr. Garnet for the presentation and asked members of Council if they had questions of clarification.

Councillor Mason asked staff if the office tower on Tacoma Drive falls within the height rules. Mr. Garnet replied that it does comply with the rules.

There being no further questions, the Mayor invited residents for or against the proposal to the microphone.

**Mr. Clark Vining**, 7 Oakwood Avenue, Dartmouth. Mr. Vining stated that he was a long term resident of Dartmouth and that his issues were addressed by Mr. Garnet in regards to the zoning of Valleyfield/Lakecrest remaining at R-1 zoning. Mr. Vining felt that the corner lot on Valleyfield and Tacoma should be bought by the Municipality and used as a pocket park.

**Mr. Herbert Jordan**, 4 Oakwood Avenue, Dartmouth. Mr. Jordan stated that he and his wife bought their home in 1954 and had seen a lot of changes in that time. Mr. Jordan stated that his questions had been answered during the presentation. Mr. Jordan noted he has an issue with traffic on Valleyfield Road. Valleyfield Road is a collector street and further study should be considered. He also commented that the number of units being proposed has not been mentioned. Mr. Jordan stated his concern regarding the corners of Valleyfield and Tacoma, with buses coming in, since they are not able to make the turn if a car is coming in the other direction. He felt that consideration should be given to addressing this matter. Mr. Jordan thanked the Mayor and Council for the opportunity to speak and have his questions and concerns answered.

**Mr. Joe Chisholm**, Dartmouth. Mr. Chisholm thanked the Mayor and Councillors for the opportunity to speak this evening. Mr. Chisholm expressed his desire to speak about Lakecrest and the new building that is proposed. He felt that it would create demand for public transit and stabilize residential rates. Mr. Chisholm stated that investment would also create more interest by the private sector in this area. Mr. Chisholm indicated that he would be disappointed if density was not increased and fully supports this proposal.

**Ms. Graziella Grbac**, Dartmouth East, Executive Director of the Main Street Business Improvement District, Ms. Grbac stated that she approves of this proposal going

forward and was very pleased with the progress. She urged Council to move forward with the proposed project.

**Mr. Tom Emodi**, Peninsula South. Mr. Emodi thanked the Mayor and Councillors for allowing him to speak tonight. Mr. Emodi stated that he has used the new proposal for a private client on Main Street. He found that the new proposal is a great improvement to what is currently in place. Mr. Emodi stated he felt that the new design would create a great mixed-use community. He congratulated the staff for an enlightening policy.

**Mr. Kevin Riles**, Halifax. Mr. Riles stated that he and Mr. Emodi represent the same client who owns property on Main Street. He stated that he wanted to congratulate staff on this visionary proposal. He asked that Council approve this motion.

The Mayor called three times for any additional speakers. There being none, the following motion was put on the floor:

**MOVED by Councillor McCluskey, seconded by Councillor Hendsbee, that the public hearing be closed. MOTION PUT AND PASSED.**

**MOVED by Councillor Fisher, seconded by Councillor Hendsbee, that Halifax Regional Council endorse the public participation process for the Dartmouth Main Street Plan Review as undertaken, and approve the proposed amendments to the Municipal Planning Strategy and Land Use By-Law for Dartmouth, as set forth in Attachments 1 and 2 respectively of the May 30, 2013 staff report, with the following minor changes:**

1. **In Item #7 in Attachment 2 (Proposed Amendments to the Dartmouth LUB) of the staff report dated May 30, 2013 to Harbour East – Marine Drive Community Council, insert the following text after the words “Within the Main Street Designation” and before the words “permitted height may be exceeded”:**  
“where permitted height does not exceed 10.7 metres (35 ft.), height shall mean the vertical distance of a building between the established grade and the highest point of the roof surface. Within the Main Street Designation where permitted height is greater than 10.7 metres (35 ft.),”
2. **Add the following sentence before the period at the end of the Note in the Legend of Schedule “AF” in Attachment 2 (Proposed Amendments to the Dartmouth LUB) of the staff report dated May 30, 2013 to Harbour East – Marine Drive Community Council:**  
“, except where the maximum permitted building height is 10.7 metres (35 ft.) or less.”
3. **Retain the existing R-1 zoning at the northwest corner of Oakwood Avenue and Valleyfield Road.**

Councillor Fisher stated that the aim of the Main Street Plan was to attract investment and reinvestment. He stated that the process began back in 2008

Councillor Fisher noted that unique parts of this vision is form based zoning, which is a shift to a more modern urban based design concept. He noted further that, under the plan, office space is limited to a three storey plan in with the Regional Plan. He stated that it is visionary to see commercial and residential coming together. The Councillor noted that the plans provide for a huge range of architectural styles, while respecting the surrounding neighbourhoods. This was a very long and complex project, but could be used as a model for other areas within Halifax Regional Municipality.

He finished by thanking all those who were involved in this proposal, especially Mr. Garnett. Councillor Fisher stated he would be supporting this motion and encouraged members of Council to support it as well.

Main Street is a major artery to the Eastern Shore and will have an impact on traffic. Councillor Hendsbee stated that traffic studies have been done in the past and he would like to see them brought forward. Councillor Hendsbee indicated that the design of traffic flow will be critical for the area.

Councillor Hendsbee also indicated that he would like to see more participation from Metro Transit as the plan is implemented. He indicated his support for the plan with hopes that Council will support it as well.

Councillor Karsten stated that he would be supporting this motion and would like to thank Mr. Garnett and everyone involved in this project. Councillor Karsten indicated that a letter was received from McDonald's Corporate Office outlining some concerns. He asked staff for clarification in regards to non-conforming uses and structures, setbacks and drive-through and parking provisions. Mr. Garnett stated that existing non-conforming buildings, setbacks and drive-through will remain and any alterations will be grandfathered in.

Councillor Mason stated that he was very impressed with the plan and how it shows leadership, in terms of design and re-design of the Town Centre using the form base planning. He thanked staff for their hard work on this project.

Councillor Watts stated that this is a fantastic plan and it had excellent consultation with the public. Councillor Watts agreed that good design and the possibility of increasing density and providing better active transportation and traffic flow would be an excellent opportunity for the Main Street Plan.

Councillor Watts asked staff to comment on the following:

- Active transportation in the plan;
- Issues of traffic and how it will be addressed; and
- The overall density expected.

Mr. Garnet responded that there has been a transportation study done by consultants, which identified a number of improvements for traffic, active transportation, bike lanes and walking paths and improving traffic flow.

Councillor McCluskey commented that Main Street will become a great street with this plan. She thanked staff for their work on this proposal.

Councillor Nichol stated that she hoped that creating mixed-use will increase density in the corridor. She also stated that this is good for Main Street and that she is looking forward to seeing it move forward.

**MOTION PUT AND PASSED UNANIMOUSLY.** (15 in favour, 0 against)

Deputy Mayor Rankin and Councillor Johns were not present for the vote.

The Mayor thanked Mr. Garnett, staff and members of the public for supporting this project.

**9.3 Case 17759 – Municipal Planning Strategy (MPS)/Land Use By-law (LUB) Amendments and Development Agreement for the northeast corner of Dutch Village Road and Andrew Street, Halifax. (Joint Public Hearing with Halifax and West Community Council)**

The following were before Regional Council:

- A staff report dated July 25, 2013
- A staff presentation dated September 10, 2013

The Mayor invited staff to make a presentation on Case 17759.

Ms. Dali Salih, Planner, Development Approvals made a presentation to Council on Case 17759.

Ms. Salih informed Council that Geoff Keddy Architects has submitted an application, on behalf of Dimo Georgakakos, to develop a 6-storey, 61-unit residential building at 3559-73 Dutch Village Road, and 7179 and 7187 Andrew Street, Halifax. The subject site consists of five properties located on the corner of Dutch Village Road and Andrew Street (Maps 1 and 2). Following public consultation in January 2013, the applicant proposed to include a small ground-level commercial space fronting on Dutch Village Road. The current zoning of the subject area and adjacent properties along the eastern side of Dutch Village Road is C-2A (Minor Commercial) Zone under the Halifax Peninsula LUB which allows for a wide range of commercial and residential uses. However, the C-2A Zone provisions place restrictions on the height of multi-unit residential buildings to a maximum of four storeys, as well as other limitations on density, size and massing of residential developments. The Halifax MPS does not enable the consideration of increasing the height or density, nor does the MPS allow for site-specific variations to LUB requirements by way of rezoning or development agreement. As a result, the applicant has requested that Council give consideration to amending the Halifax MPS and Halifax Peninsula LUB to enter into a development

agreement in order to permit an increase in height (i.e. two additional storeys), population density, as well as establish the general layout and concept for the proposed building.

Ms. Salih stated that staff have reviewed the proposal in light of the transitioning nature of Dutch Village Road as a major commercial corridor and in accordance with the general objectives (Section II) under the Halifax MPS and the Fairview Secondary Planning Strategy (Section VII). In staff's opinion, it is important that HRM maintain and build upon the commercial nature of Dutch Village Road while minimizing any potential land use conflicts with surrounding uses. The appropriate planning tool to achieve this request is through a development agreement enabled under a site specific policy, as set out in Attachment A of the July 5, 2013 report.

Ms. Salih also indicated that staff is of the opinion that the proposed amendments meet the intent of the Halifax MPS and the Secondary Planning Strategy with regard to matters such as land use compatibility, servicing capacity, landscaped open space provisions, mitigation measures, setbacks, and traffic and site access. Further, the proposed development agreement complies with the intent of the proposed MPS policies through controls on the design and use of the building as outlined in the proposed development agreement (Attachment C) of the report.

The Mayor thanked staff for the presentation and asked members of Council if they had questions of clarification.

Councillor Hendsbee asked for clarification as to why only a six storey building. Ms. Salih responded that it was the applicants request to have only six storeys. The applicant and architect, Geoff Keddy advised that the building would be five storeys with two penthouses set back. He stated that they had looked at more storeys, due to costs they decided not to increase the height. Mr. Keddy noted that they believed a six storey development would be more acceptable to the public.

Councillor Hendsbee felt that not enough emphasis was placed on active transportation. Mr. Keddy responded that bike parking was included in the plan.

There being no further questions, the Mayor invited residents for or against the proposal to the microphone.

The Mayor called three times for any additional speakers. There being none, the following motion was put on the floor:

**MOVED by Councillor McCluskey, seconded by Councillor Hendsbee, that the public hearing be closed. MOTION PUT AND PASSED.**

**MOVED by Councillor Walker, seconded by Mosher, that Halifax Regional Council approve the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-Law as set out in Attachments A and B of the staff report dated July 5, 2013**

Councillor Walker indicated that this was a very thorough process and was very pleased with the public consultation and that residents are pleased with the design for this project. Councillor Walker stated he would be supporting this motion and would encourage members of Council to do likewise.

**MOTION PUT AND PASSED UNANIMOUSLY.** (15 in favour, 0 against)

Deputy Mayor Rankin and Councillor Johns were not present for the vote.

**16. ADJOURNMENT**

The meeting was adjourned at 7:03 p.m.

Cathy J. Mellett  
Municipal Clerk

**INFORMATION ITEMS**  
**September 10, 2013**

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1. Memorandum from the Director of Transportation and Public Works dated August 23, 2013 re: Administrative Order Number 20, Respecting Fees for Cemetery Services
2. Memorandum from the Director of Finance & ICT, CFO dated August 2, 2013 re: Award of Contracts – CAO Approval
3. Memorandum from the Director of Legal dated August 2, 2013 re: Status of By-law Prosecutions – April 1, 2013 – June 30, 2013
4. Memorandum from the Director of Planning & Infrastructure dated August 7, 2013 re: Cow Bay Road, Deep Storm Sewer Project
5. Memorandum from the Municipal Clerk dated September 3, 2013 re: Requests for Presentation to Council – Dartmouth Learning Network