



**HALIFAX REGIONAL COUNCIL
MINUTES
November 18, 2014**

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

REGRETS: Councillor Bill Karsten

STAFF: Mr. Richard Butts, Chief Administrative Officer
Ms. Karen Brown, Acting Municipal Solicitor
Ms. Cathy Mellett, Municipal Clerk
Ms. Sheilagh Edmonds, Legislative Assistant
Ms. Krista Vining, Legislative Assistant

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

A video recording of this meeting is available: http://archive.isiglobal.ca/vod/halifax/archive_2014-11-18_live.mp4.html

The agenda, supporting documents, and information items circulated to Council are available online: <http://www.halifax.ca/council/agendasc/141118rc-agenda.php>

The meeting was called to order at 3:10 p.m., and recessed at 5:02 p.m. Council reconvened at 6:00 p.m. and adjourned at 7:02 p.m.

1. INVOCATION

The Mayor called the meeting to order with the Invocation being led by Councillor Dalrymple.

The Mayor noted that this meeting marked the end of Councillor Fisher's term as Deputy Mayor, and the beginning of Councillor Nicoll's term as Deputy Mayor.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillors noted a number of special community announcements and acknowledgements.

3. APPROVAL OF MINUTES – October 21 and October 28, 2014

MOVED by McCluskey, seconded by Councillor Watts that the minutes of October 21, 2014 and October 28, 2014 be approved.

Councillor McCluskey referred to page 9 of the October 21, 2014 minutes, and noted that when she addressed item 11.4.1 - Natural Gas Leaks, she advised that it resulted in 50 to 60 businesses being closed for 'hours', and not closed for the 'day". She asked that the minutes be revised.

MOTION PUT AND PASSED.

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

Additions:

- 14.1 15/16 Recommended Priority Outcomes
- 14.2 Recreation Area Rates and Tax Boundaries

At the request of Councillor McCluskey, Council agreed to add to the agenda of the next regular Council meeting the Information Report Memorandum from the General Manager of Halifax Water dated October 22, 2014 re: Halifax Regional Water Commission 2013/14 Annual Report.

MOVED by Councillor Mason, seconded by Deputy Mayor Nicoll 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 H00398 – Application to Deregister Lot BH-2, a Subdivision of 99 Ochterloney Street (Henry Elliot House), Dartmouth, a Municipally Registered Heritage Property

This matter was addressed later in the meeting, see page 10.

- 9.2 Case 18514** – Amendments to the Bedford South, Wentworth and Bedford West Secondary Planning Strategies for Sub Area 9 of Bedford West and Wentworth (Cresco Lands), Bedford and Halifax (Joint Public Hearing with Halifax and West and North West Community Councils)

This matter was addressed later in the meeting, see page 11.

- 9.3 Case 18950** – Amendments to the Halifax Municipal Planning Strategy (MPS) and the Halifax Peninsula Land Use By-law (LUB) – 1047, 1057, and 1065 Barrington Street, Halifax

This matter was addressed later in the meeting, see page 12.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence

The Clerk noted that correspondence was received for items: 9.2 and 11.3.5. This correspondence was circulated to Council.

For a detailed list of correspondence received, refer to the specific agenda item.

10.2 Petitions - None

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Award Tender No. 14-092 – Janitorial Services – Halifax Central Library

The following was before Council:

- A staff recommendation report October 14, 2014.

MOVED by Councillor Mason, seconded by Councillor Whitman that Halifax Regional Council award Tender No. 14-092, Janitorial Services for the Halifax Central Library, to the second lowest bidder meeting specification, ZM Supreme Cleaning, for a total three year tender price of \$780,188.59 (net HST included), with the option to renew for two additional one year periods. Funding will come from Operating Account B034-6304 as outlined in the Financial Implications section of the October 14, 2014 staff report.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Karsten

11.1.2 Sole-Source Award – Dalhousie Cities and Environment Unit

The following was before Council:

- A staff recommendation report dated October 23, 2014.

MOVED by Councillor Mason, seconded by Councillor Whitman that Regional Council, in accordance with the sole source provisions of Administrative Order 35, Section 8 (11) (A) sub-section (k) (For the procurement from a public body or a not-for-profit corporation), award a contract for the Bike-friendly Certification & Bike Parking Support Program to Dalhousie Cities & Environment Unit at a cost of \$15,000 including net HST, with funding from CTU00420-Bikeway Master Plan Implementation, as outlined in the Financial Implications section of the October 23, 2014 staff report.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Karsten

11.1.3 Property Disposal – 90 Alderney Drive, Dartmouth

The following was before Council:

- A staff recommendation report dated October 28, 2014.

MOVED by Councillor McCluskey, seconded by Councillor Mason that Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into a Purchase and Sale Agreement with Fares & Co. Development Inc. or assignee, for 90 Alderney Drive, Dartmouth, PID 109090, as per the terms and conditions outlined in the October 28, 2014 staff report and Table 1 in the Confidential Report dated October 28, 2014.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Karsten

11.1.4 Proposed Amendments to Administrative Order 17, Respecting Remuneration for Members of Council – Housekeeping Amendments

The following was before Council:

- A staff recommendation report dated November 4, 2014.

MOVED by Councillor Rankin, seconded by Councillor Walker that Halifax Regional Council adopt the amendments to Administrative Order 17, the Council Member Remuneration Administrative Order, as set out in Attachment 2 of the staff report dated November 4, 2014, which will:

1. Give effect to the September 20, 2011 motion of Regional Council;
2. Make minor changes to the language and punctuation of the Administrative Order for consistency;
3. Add to the Administrative Order the optional benefits the Members of Council are eligible to receive; and
4. Revise the Administrative Order by removing year remuneration references.

Mr. Britt Wilson, Manager, Total Compensation responded to questions.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Karsten

11.2 GRANTS COMMITTEE

11.2.1 Rural Transit Funding Program 2014-2015

The following was before Council:

- A recommendation report dated November 4, 2014 from the Chair of the Grants Committee.

MOVED by Councillor Walker, seconded by Councillor Hendsbee that Halifax Regional Council approve the funding application submitted by Musgo Rider under Administrative Order Number 2014-012-ADM Respecting Grants for Rural Transit as outlined in the financial implications section of the October 7, 2014 staff report.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Karsten

11.3 MEMBERS OF COUNCIL

11.3.1 Councillor Mosher – Graffiti Abatement – Internal Stakeholder Group

The following was before Council:

- A 'Request for Council's Consideration' form with an extract of Regional Council minutes of October 23, 2012 and a staff report dated August 2, 2012 re: Graffiti Abatement attached

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

- 1. Request a staff report which includes an update on the creation of an internal Graffiti Abatement Operational Stakeholder Group which was directed to be established by motion of Regional Council on October 23, 2012.**
- 2. Request the report include information on possible changes to the structure of the Stakeholder Group including the group falling under the responsibility of the Public Safety Office versus Transportation and Public Works; the composition of the group to include but not limited to Halifax Regional Police, RCMP, Bylaw Enforcement, Legal Services, Halifax Transit, Parks & Recreation, Public Works, Corporate Communications, and Building Management Services; and external stakeholders including but not limited to Canada Post, Halifax Water, Nova Scotia Power, Halifax Airport, Nova Scotia Department of Transportation and Public Works, Department of Justice, Public Safety Office, Nova Scotia, Business Improvement Districts and CN.**

Councillor Mosher advised that she was bringing this matter forward because Council's direction, from October 2012, to create an internal Operation Stakeholder Group has not been carried out. She noted that, as a result, there is no coordinated approach or any oversight to the Graffiti Abatement Plan. Councillor Mosher added that she has been speaking with Halifax Regional Police staff and other staff involved in graffiti abatement and they agree that the matter should fall under the jurisdiction of the Public Safety Office. Councillor Mosher indicated that, in addition to getting the Stakeholder established, she would also like consideration of including outside stakeholders to the group.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Karsten

11.3.2 Councillor Craig – Amendment to Administrative Order No. 17, Respecting Remuneration for Members of Council

The following was before Council:

- A 'Request for Council's Consideration' form.

MOVED by Councillor Craig, seconded by Councillor Outhit

- 1. That Regional Council:**
 - a) Establish an independent Halifax Regional Council Compensation Committee to be selected and convened by the Auditor General; and**
 - b) That the Council Compensation Committee review previous recommendations, current compensation for elected members of Regional Council (Mayor, Deputy Mayor and Councillors) and any relevant benchmark data; and**
 - c) That the Council Compensation Committee be tasked to establish the remuneration and other compensation including benefits for elected members of Regional Council which may include change to the current formula; and**
 - d) That the report from the Council compensation Committee be submitted to Regional Council by the end of August 2015; and**

e) That Regional Council consider and accept the recommendation of the Council Compensation Committee.

2. Direct staff to draft a report and recommendations to effect amendments to Administrative Order 17 to ask the Council Compensation Committee to review and report to Regional Council by the end of August in the 3rd year of each of the subsequent term of that elected Regional Council in accordance with 1a through 1e above.

Councillor Craig advised that his motivation in bringing this recommendation before Council was out of interest in good governance and believed this was a way to improve upon the policy Council has in regard to compensation for Councillors. He added that the current methodology has seen a review only once in ten years and will continue to go on without review unless Council takes some action. He noted that the last time there was a review it was when there was a significant event affecting Council, i.e. a reduction in size from 23 to 16.

Councillor Mosher indicated she did not support the motion. She advised that she felt the current formula is appropriate and that it is reviewed every year, and is a process independent of Council. She added that she did not think it would be appropriate for the Auditor General to be involved as presented in the motion, and would put him in a conflict of interest.

Councillor Mason spoke in favour of the motion advising that he supports having good, periodic reviews. He also noted that his personal view was that Councillors should not get a raise that would be of any more than the unionized workers.

Councillor Rankin spoke in opposition to the motion. He advised that the current approach was carried out in an open and transparent manner and without political interference, and he could see no reason for abandoning this approach and formula.

Councillor Walker spoke against the motion, citing his support for the current approach for determining remuneration for Councillors. Councillor Walker also expressed concern of bringing the Auditor General into this matter, suggesting that it would impact on his ability to remain independent of Council.

Councillor Hendsbee spoke in support of the motion. He advised that anyone who has intention to run for Council should know what the compensation is for the position.

In response to a question, the Acting Municipal Solicitor advised that Regional Council cannot pass a motion that binds a decision for future Councils. She recommended that the words 'and accept' be removed from recommendation 1 e) of the motion.

Prior to the vote on the motion, the Mayor clarified that, in accordance with the Solicitor's advice, the motion would be revised to omit the words, 'and accept' from recommendation 1 e). The motion now reads as follows:

MOVED by Councillor Craig, seconded by Councillor Outhit

1. That Regional Council:

- a) Establish an independent Halifax Regional Council Compensation Committee to be selected and convened by the Auditor General; and**
- b) That the Council Compensation Committee review previous recommendations, current compensation for elected members of Regional Council (Mayor, Deputy Mayor and Councillors) and any relevant benchmark data; and**
- c) That the Council Compensation Committee be tasked to establish the remuneration and other compensation including benefits for elected members of Regional Council which may include change to the current formula; and**

- d) That the report from the Council compensation Committee be submitted to Regional council by the end of August 2015; and
- e) That Regional Council consider the recommendation of the Council Compensation Committee.

2. Direct staff to draft a report and recommendations to effect amendments to Administrative Order 17 to ask the Council Compensation Committee to review and report to Regional Council by the end of August in the 3rd year of each of the subsequent term of that elected Regional Council in accordance with 1a through 1e above.

MOTION PUT AND PASSED. (9 in favour, 6 against)

In favour: Mayor Savage; Deputy Mayor Nicoll; and Councillors: Dalrymple, Hendsbee, Mason, Watts, Adams, Craig, and Outhit.

Against: Councillor McCluskey, Fisher, Mosher, Walker, Rankin, Whitman, and Johns

Not present: Councillor Karsten

11.3.3 Councillor Walker – Dedicated Fund for Wastewater Treatment Upgrades required by Federal Regulations

The following was before Council:

- A 'Request for Council's Consideration' form and a attached letter dated October 29, 2014 from Brock Carlton, Chief Executive Officer, Federation of Canadian Municipalities.

MOVED by Councillor Walker, seconded by Councillor Hendsbee that Mayor Savage on behalf of Halifax Regional Council write a letter to Minister Lebel, Minister of Infrastructure, Communities and Intergovernmental Affairs, in support of the dedicated fund for wastewater treatment upgrades, highlighting the additional cost and requesting a dedicated fund.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Karsten and Councillor Johns

11.3.4 Councillor Watts – Reactivating Parking at Bloomfield Centre

The following was before Council:

- A 'Request for Council's Consideration' form and an Information Report dated October 1, 2014 RE: Petition – Bloomfield Centre attached

MOVED by Councillor Watts, seconded by Councillor Whitman that Council approve the reactivation of the month to month parking program at Bloomfield, until the property is transferred to the Province, as outlined in the Regional Council Information Report, Subject: Petition – Bloomfield Centre, dated October 1, 2014.

Councillor Watts noted that this measure would alleviate some of the parking problems in the North End and would provide the City some cost recovery while awaiting the closing of the Purchase and Sale Agreement.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Karsten and Councillor Johns

11.3.5 Councillor Hendsbee – Porters Lake Canal

The following was before Council:

- A 'Request for Council's Consideration' form and attached photos
- Correspondence submitted from: Dr. Dousan Soudek; Virginia Smith, Chair of Southwest Paddlers Association; Bruce Hilchey; Eric Fiander; Ray Roberts; Robert Taylor; Alan Ruffman; John Hawkins; Terry Arsenault; and Allan Rodger

MOVED by Councillor Hendsbee seconded by Councillor Watts that staff provide a report pertaining to the ownership options for the Porters Lake Canal.

Councillor Hendsbee noted that this property was recently declared surplus by the Federal Government.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Karsten and Johns.

12. MOTIONS – NONE

13. IN CAMERA

13.1 In Camera Minutes – October 21 and October 28, 2014.

MOVED by Councillor Fisher, seconded by Councillor Mason that the In Camera Minutes of October 21, 2014 and October 28, 2014 be approved. MOTION PUT AND PASSED.

13.2 Personnel Matter

13.2.1 Nominations to the Nova Scotia Building Advisory Ad Hoc Committee on Accessibility

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

- 1. Approve the appointments to the Nova Scotia Building Advisory Ad Hoc Committee on Accessibility on behalf of the Municipality as outlined in the private and confidential report dated November 4, 2014.**
- 2. That the names be released to the public following ratification of the appointments and notification of the appointees.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Karsten and Councillor Johns

14. ADDED ITEMS

14.1 15/16 Recommended Priority Outcomes

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

MOVED by Deputy Mayor Nicoll seconded by Councillor Mason that Halifax Regional Council approve the 2015/2016 Priority Outcomes as described in Attachment A of the November 4, 2014 staff report, as amended in Committee of the Whole as follows:

For the Priority - Healthy Communities, Inclusive and Accessible Community:

Insert "including persons with disabilities and seniors" following "can participate fully in life".

For the Priority – Governance and Communication, Communities of Interest:

Replace the word “competing” with the word “engaged”, to read as follows: ‘HRM engages communities of interest’.

For the Priority – Healthy Communities, Pedestrian Safety:

Replace the existing statement with:

“Reverse the recent deteriorating experience of increasing vehicle-pedestrian collisions in HRM through improved infrastructure, further education and requesting enhanced enforcement of crosswalk legislation in order to provide pedestrians a safe environment in which to walk”.

And, direct staff to develop the 2015/2016 Budget and Business Plans in support of these priorities.

In addition, a correction to Appendix A as provided by staff was noted by the Clerk as follows: to replace the existing statement under Economic Development, Welcoming Community with the following:

‘Halifax will create and maintain a welcoming community for new and existing residents.’

MOTION PUT AND PASSED UNANIMOUSLY.

Not Present: Councillor Karsten

14.2 Recreation Area Rates and Tax Boundaries

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

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

- 1. Approve the definitions for “Municipal Recreational Facilities”, “Community Facilities and Services” and “Private Infrastructure” as listed in the “Recreation and Community Facilities Taxation Classification”, Attachment 1 of the October 29, 2014 staff report;**
- 2. Approve the “Tax Status” and “Facilities Included” for “Municipal Recreational Facilities”, “Community Facilities and Services” and “Private Infrastructure” as listed in the “Recreation and Community Facilities Taxation Classification”, Attachment 1 of the October 29, 2014 staff report; and**
- 3. Direct staff to develop the 2015-16 Proposed Operating Budget based upon the “Tax Status” and “Facilities Included” as listed in the “Recreation and Community Facilities Taxation Classification”, Attachment 1 of the October 29, 2014 staff report and return, during approval of the 2015-16 Operating Budget, with final recommendations on:**
 - revised tax rates
 - the implications for area rated debt, loans and surplus accounts; and
 - merging the Residential Suburban and Rural Tax Boundaries into a single tax classification

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Karsten

15. NOTICES OF MOTION

15.1 Councillor McCluskey

"Take Notice that at the next Regional Council Meeting to be held on December 2, 2014, I will be putting forward a motion to request a staff report to consider licensing bicycles for cyclist 18 years of age and older."

15.2 Councillor Whitman

"Take Notice that at the next regular Regional Council meeting, to be held on Tuesday, the 2nd of December 2014, I propose to move a motion to request a staff report to review and consider options to enable the community to continue to have access to the Black Point Community Fire Hall; in particular, consideration that HRM retain the hall and that HRM enter into a lease agreement with the St. Margaret's Bay/Boutillier's Point Recreation Association as the hall is widely utilized by the community."

15.3 Councillor Dalrymple

"Take Notice that at the next regular meeting of Halifax Regional Council scheduled for December 2, 2014, I intend to move a motion to make amendments to Administrative Order 58, the Delegation of Certain Authorities Administrative Order to:

- 1) Delegate to staff the authority to execute, on behalf of the Municipality, contracts that either:
 - a) Do not have an expenditure or revenue component, and
 - b) Do not have expenditure but have a revenue component
- 2) Delegate to the Chief of Police the authority to enter into agreements, on behalf of the Municipality:
 - a) For the provision of police services providing the contract is in the best interest of the Municipality and adequate policing levels are maintained; and
 - b) For matters that are necessary for the day to day operation of the police department; and
- 3) Make some housekeeping amendments."

Council recessed at 5:02 p.m. and reconvened at 6:00 p.m.

9. PUBLIC HEARINGS

9.1 Case H00398 – Application to Deregister Lot BH-2, a Subdivision of 99 Ochterloney Street (Henry Elliot House), Dartmouth, a Municipally Registered Heritage Property

The following was before Council:

- A recommendation report from the Heritage Advisory Committee dated September 25, 2014
- Extract of Regional Council October 7, 2014 minutes
- A copy of the staff presentation
- A copy of the applicant's presentation

Mr. Seamus McGreal, Heritage Planner, Planning and Development delivered a presentation on Case H00398 respecting the application of Boris Holding Inc. to deregister Lot BH-2, a subdivision of 99 Ochterloney Street (Henry Elliot House), Dartmouth as a municipally registered heritage property.

Mr. Michael Napier, Applicant noted that his firm, Michael Napier Architecture has worked on this project for approximately four years and that he was available to respond to questions.

Mayor Savage opened the public hearing and called for anyone wishing to address Council on this matter.

Mr. Colin May, Dartmouth sought clarification on there being no reference to the word *images/pictures* in Administrative Order 1, Appendix A respecting Public Hearings. Referring to a separate public hearing for a development, Mr. May indicated that he had been told that members of public could only display three images at a hearing. He explained that at the time he was unaware of Administrative Order 1 but has since read it and could not find any mention under the procedures for the number of images a person speaking at a public hearing may display. He also noted that he could not find any reference to the length of time the images may be displayed at a hearing. Mayor Savage clarified that members of the public were unable to ask questions of HRM staff but that the question could be raised by a member of Council during the discussion portion. Mr. May went on to express concern with the Harbour East - Marine Drive Community Council having previously approved the development with the knowledge that the deregistration was required, and asked how members of the Community Council could be part of the public hearing process without being seen as having any bias.

Mayor Savage called three times for any further speakers; there being none it was **MOVED by Councillor McCluskey, seconded by Deputy Mayor Nicoll that the public hearing be closed. MOTION PUT AND PASSED.**

MOVED by Councillor McCluskey, seconded by Deputy Mayor Nicoll that Halifax Regional Council approve the deregistration of Lot BH-2 a subdivision of 99 Ochterloney Street, Dartmouth, as identified in Attachment A of the staff report dated September 12, 2014 as a municipally registered heritage property.

Councillor McCluskey spoke in support of the preservation of the Henry Elliot House as a heritage property and having reached a stage to approve deregistration of the property to allow the development to proceed.

Councillor Watts asked for clarification in regard to Mr. May's question respecting public hearing procedures. Ms. Cathy Mellett, Municipal Clerk clarified that Administrative Order 1 does not speak to pictures but to representatives of the public being allowed to speak to Council, and allowing members of the public to provide written submissions with any number of pages or images to Council by 3:00 p.m. in advance of a public hearing. Councillor Watts questioned whether members of the public had the ability to submit photographs on the night of the public hearing. Ms. Mellett advised that in practice, the Office of the Municipal Clerk has allowed up to three pictures to be shown as a compromise for residents. She reiterated that residents could submit an unlimited number of pictures in the format of their choice for Council prior to 3:00 p.m. the day of the public hearing.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Karsten, Mosher, Rankin and Johns.

9.2 Case 18514 – Amendments to the Bedford South, Wentworth and Bedford West Secondary Planning Strategies for Sub Area 9 of Bedford West and Wentworth (Cresco Lands), Bedford and Halifax (Joint Public Hearing with Halifax and West and North West Community Councils)

The following was before Council:

- A joint recommendation report from North West Community Council and Halifax and West Community Council dated September 22, 2014
- Extract of Regional Council October 7, 2014 minutes
- Correspondence from Wendy McDonald
- A copy of the staff presentation

Mr. Andrew Bone, Senior Planner, Development Approvals, delivered a presentation on Case #18514 respecting the proposed amendments to the Bedford South, Wentworth and Bedford West Secondary Planning Strategies for Sub Area 9 of Bedford West and Wentworth (Cresco Lands), Bedford and Halifax to transfer 118 dwelling units from Bedford West to Bedford South.

In response to a question raised, Mr. Bone confirmed the remaining portion of lands on Starboard Drive would be completed as part of the next phase, with no additional cost to HRM; as outlined in the discussion section of the September 22, 2014 staff report.

Councillor McCluskey asked whether the Municipality would be required to build trails because of the new development. Mr. Bone advised that when the development was originally proposed, the Halifax Water trunk waterline that ran along Highway 102 existed at that time. During the negotiations there was no interest in acquiring that land for trail purposes. Subsequent to this, and the population being established in this area through development, the interest has increased in using the trunk waterline. He explained that the waterline is currently being used as a trail, even though it is not an official trail. He clarified that the Municipality would not be required to create a trail but that HRM does have an option to acquire the land in the next three years under the agreement. Mr. Bone further explained that if HRM were to acquire rights to the portions of land to the south and north of the trunk waterline, a trail could be built. He pointed out that the trunk waterline has a service road on it which enables it to presently function as a trail.

Councillor McCluskey questioned whether there were any changes in infrastructure charges, to which Mr. Bone responded no. He advised that the goal was to ensure that the development was revenue neutral, with no increases as the same number of units would be in place.

Mr. Bone responded to a further question of clarification on the three year time frame for HRM to acquire the Halifax Water trunk waterline as an option under the agreement.

Deputy Mayor Nicoll asked staff to outline the concerns raised by residents during the public information meeting. Mr. Bone responded that residents were concerned that there was going to be a commercial entity beside them. In discussions with the developer on these concerns, the developer indicated to staff that the commercial entity was still a viable use on that site and wanted to proceed. In attempt to mitigate some of the issues, Mr. Bone stated that there is a requirement under the development agreement that a fence be installed under the north perimeter and there was also a fair separation between the existing multi-unit building and the proposed commercial site.

Councillor Watts asked whether the developer would be responsible for the development of the trail system being considered or whether it would fall under HRM's purview over the next three years. Mr. Bone responded that if HRM decided to acquire these lands, it would be at the Municipality's expense to construct any trails. In determining the standard of a trail, he indicated that the trail would fall under HRM's development process and staff would work with area trails groups. He noted that under the agreement, HRM has already acquired park land in the area and the Halifax Water trunk waterline was put in place as an option should HRM be able to acquire the adjacent parcels of land to the north and south to extend a trail.

Mr. Kevin Neatt, Associate Planner with Clayton Developments, Applicant, noted that Clayton Developments was working with Cresco Holdings Ltd. on this application. Mr. Neatt spoke to the concerns expressed at public information meeting from the residents of 530 Starboard Drive regarding the commercial site on the lands, and Clayton Development's efforts to work with the owners of the apartment building and HRM staff and put in place several measures in the development agreement to address these concerns. He noted that the measures include: landscaping, fencing to block and hide the parking lot, controlling the hours of operation of the commercial, refuse pick up and onsite deliveries, and no outdoor storage equipment would be permitted. Mr. Neatt added that the architectural detail of the building is also addressed in the agreement and that the propane and electrical/mechanical systems are to be all screened. He commented that the agreement goes above addressing residents' concerns and further pointed out that at the north end of Southgate and Larry Uteck Blvd. on the corner across from the Acadian school there were two community commercial sites, one on either side of the road, with residents next door. He went on to speak to the success of the commercial development at the end of Southgate and Larry Uteck Blvd. and it being extremely popular. He suggested that with attention to detail Clayton Developments and Cresco Holdings Ltd. could make the proposed commercial component work well in the community.

Mayor Savage opened the public hearing and called for anyone wishing to address Council on this matter.

Dr. Charles D. Lienaux, Bedford spoke to the proposed commercial development, using Map 7 Wentworth Cresco Lands Proposed Concept Plan, attached to the joint North West Community Council and Halifax and West Community Council report dated September 22, 2014 as a reference. Mr. Lienaux highlighted that to the right of the cul-de-sac "Road D" and Starboard Drive, illustrated in Map 7 were all residential properties and to the left was 530 Starboard Drive, a small low density apartment building. He explained that the proposed commercial development would be right in the middle of Starboard Drive. Mr. Lienaux referred to other commercial developments in the surrounding area: Hemlock Square has a Sobeys, Goodlife and approximately a dozen stores, Nine Mile Circle has 15-20 commercial properties and across Larry Uteck Blvd. there is an entire commercial core with a CIBC and Shoppers. He expressed that residents were opposed to having further infringement on the residential component of Starboard Drive. Mr. Lienaux's view was that the proposed commercial development was not good planning practice; explaining that good planning practice was defined as uses being consolidated (e.g. commercial with commercial, residential with residential, industrial with industrial). However, the developer is proposing to drop a small commercial centre into the middle of a residential streetscape. He stated that putting a fence around the commercial centre would destroy the streetscape for the residential homes on Starboard Drive. Mr. Lienaux went on to speak to the quality of Starboard Drive being of medium-high end residential, with well-maintained lawns and the street well kept. Mr. Lienaux's view was that there was no need for more commercial development in the proposed area. He pointed out that there were areas in Hemlock Square, Nine Mile Circles and the "unnamed" section where the Shoppers is located having unoccupied/un-developed spaces. He did not agree from a business standpoint with another commercial property being approved in the middle of a residential area. Mr. Lienaux added that the proposed development would bring undesirable noise, traffic and litter to a residential street. He disagreed with the developer's suggestions to alleviate problems by hiding the mechanicals, shortening operating hours, monitoring refuse and when it is collected, as these uses were not consistent with a residential neighbourhood. He pointed out that the neighbourhood to the right of 530 Starboard Drive was completely residential. He suggested that the profit the developer would make from the proposed small commercial development could be compensated by developing four residential lots, which he noted would be consistent with the neighbourhood and streetscape. On behalf of the residents of 530 Starboard Drive, Mr. Lienaux asked Council to reject the proposed commercial development.

Mayor Savage called three times for any further speakers; there being none it was **MOVED by Councillor McCluskey, seconded by Deputy Mayor Nicoll that the public hearing be closed. MOTION PUT AND PASSED.**

Mr. Neatt explained that the mixed use nature of Bedford South and Bedford West has often been the integration of commercial pads into communities, which creates a focal point for activities such as walking and transportation.

Councillor Outhit indicated that there were no concerns expressed at the public information meeting in regard to density and lot sizes, and there was support for the additional green space where the density was being proposed to be removed. Councillor Outhit asked staff to provide clarification on what was around the proposed commercial pocket, whether or not the commercial development could be addressed at Community Council when the development approval comes forward for consideration, and whether there were any issues with water.

Mr. Bone explained that to the north side and east side of Larry Uteck Blvd. are larger scale commercial developments. There was a wetland behind 350 Starboard Drive and adjacent to the wetland and a 250 unit apartment building was being proposed behind the wetland. Further, there are approximately five residential lots and a multi-unit apartment building (350 Starboard Drive) that front Starboard Drive, with the community-commercial space being proposed in the middle. Mr. Bone clarified that there was a large difference in scale from the proposed community-commercial space and the commercial development adjacent to Larry Uteck Blvd. where the Sobeys is located. The community-commercial being proposed

would have approximately 5-10,000 square feet as opposed to 40-100,000 square feet or more in larger scale commercial developments. Mr. Bone added that a life-style living/retirement community development was being proposed across the street from Starboard Drive, which would have some form of a commercial component. Mr. Bone advised that the decision before Council was in regard to the proposed plan amendments to allow for the density transfer. He clarified that decision on the development agreement would be brought forward at a future date once the Province reviewed the plan changes, if approved. He explained that there was still an opportunity to discuss the commercial component at a late point and that no decision needed to be made at this time.

In regards to a question on services, Mr. Bone advised that he would have to seek clarification from engineering but his understanding was that all services were already installed in the cul-de-sac, identified as Freezing Court, adjacent to Starboard Drive. He noted that laterals were not installed to enable the residential units being suggested, which would require digging up Starboard Drive and installing new laterals. Mr. Bone advised that this would have to be confirmed at the development approval stage.

As confirmed by staff, Councillor Outhit noted that there was still an opportunity to discuss further options in regard to the commercial pocket and that he would follow up with the developer and staff to discuss this further.

MOVED by Councillor Outhit, seconded by Councillor Walker that Halifax Regional Council adopt the proposed amendments to the Bedford West Secondary Planning Strategy, Bedford South Secondary Planning Strategy and Wentworth Secondary Planning Strategy as contained in the Bedford Municipal Planning Strategy and the Halifax Municipal Planning Strategy as set out in Attachments A, B, C and D of the staff report dated July 14, 2014.

Councillor Walker spoke in support of the motion, noting that he had attended the public information meeting and made reference to the discussions held on the proposed commercial space and the transfer of density from Bedford West to Bedford South. He further supported the Community Council considering the commercial component when brought forward under the development agreement process.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Karsten, Mosher, Rankin and Johns.

Councillor Whitman exited the meeting at this time.

9.3 Case 18950 – Amendments to the Halifax Municipal Planning Strategy (MPS) and the Halifax Peninsula Land Use By-law (LUB) – 1047, 1057, and 1065 Barrington Street, Halifax

The following was before Council:

- A recommendation report from Halifax and West Community Council dated October 22, 2014
- Extract of the Regional Council draft October 28, 2014 minutes
- A copy of the staff presentation
- A copy of the applicant's presentation

Mr. Miles Agar, Planner, Development Approvals delivered a presentation on Case #18950 to amend the Halifax Municipal Planning Strategy and the Halifax Land Use By-law at 1047, 1057 and 1065 Barrington Street, to enable consideration of WSP Canada Inc.'s proposal through the creation of a new zone, as outlined in the staff report dated October 9, 2014. Mr. Agar noted that at the Halifax and West Community Council's October 21, 2014 special meeting, the Community Council put forward the staff recommendation to Regional Council as outlined in the October 9, 2014 staff report, with an amendment to reduce the minimum side yard setback requirements for the proposed development along lot lines that share an RC-4 zone to be reduced to 5.5 meters (18.0 feet) and allow balconies along the same lot lines to be reduced to 3.5 metres (11.5 feet).

Mr. Jeffry Haggett, Urban Planner with WSP Canada Inc., Applicant, presented some of the benefits of the RC-4 Transition Zone. Mr. Haggett clarified that the amendments Council was considering do not require or trigger a development proposal. He explained that the initial driver for the project (Southport) was the vision and intent of Urban Capital and Killam Properties Inc. to develop a mixed-use building at 1057 and 1065 Barrington Street, Halifax. He added that the intent was to have a well-designed density, which is what Urban Capital and Killam Properties Inc. specialize in building. He added that their portfolio exemplifies modern and traditional, interesting and functional housing choices throughout Canada. On behalf of Urban Canada and Killam Properties Inc., WSP Canada Inc. makes this application for a new zone to permit a well-designed urban in-fill building that enhances the surrounding area called Southport. Mr. Haggett stated that the proposed area of Barrington Street was in transition, featuring mid-rise buildings between five and six storeys. He commented that the area reflects a once occupied formal industrial heritage village. In consideration of the zoning amendment, Mr. Haggett referred to a photograph of the proposed front façade. He explained that Southport's team considered the perimeters and Municipal policy and how to support it, such as supporting growth in the regional centre, adding density to invigorate the regional centre and supporting/encourage investment in downtown living by offering high quality urban design, which would contribute to the area through appropriate residential and commercial scale uses and providing a model in-fill development standard on urban lands which are currently underutilized. Mr. Haggett reviewed the project goals which include: establishing a comprehensive, cohesive and complementary development in the area. To support densification in the urban area, an emphasis was placed on good urban design principles as outlined in Mr. Agar's presentation. The proposed development maintains the six storey limit, outlined in the South End Area Plan (Policy 7.8.2.2) and responds to the community's emerging residential nature. He pointed out that the development respects the present residential/commercial designation by offering a mixture of commercial and residential uses and establish a street wall that is consistent with Barrington Terrace across the street and referencing the former industrial heritage uses of the area. He added that the project creates an opportunity for a mixture of housing types and tenures at a range of price levels within the growth centre. The project details propose landscaping details with planters, an acoustic wall and fencing along the northern, eastern and southern property lines. If the amendments were to be adopted, Mr. Haggett advised that it was the developer's intent to begin construction on Southport as soon as possible. He commented that the community character of the project is outstanding and does not need much promotion. He further highlighted that the area has incredible community parks, play area, the Seawall Farmers Market, employment centres and the downtown core. Mr. Haggett spoke to the public feedback from the public information meeting on the importance of the building's amenities; highlighting that the project features a courtyard landscape, rooftop gathering spaces, resident gathering/meeting rooms and workout area, as required under the proposed zone. He went on to reference one of the key features to enhance the public realm, which was the protection of pedestrians from the elements. Mr. Haggett closed by reiterating the intent of the Southport development which is to connect with and strengthen the local neighbourhood. The project speaks to the vibrancy of the area by in-filling underutilized lands with high quality development that offers the residential option to attract people to live in the urban core. He explained that the RC-4 zoning amendment would facilitate these goals and he asked for Council's support.

Mayor Savage opened the public hearing and called three times for anyone wishing to address Council on this matter. There being no speakers, it was **MOVED by Councillor Mason, seconded by Councillor Walker that the public hearing be closed. MOTION PUT AND PASSED.**

MOVED by Councillor Mason, seconded by Councillor Watts that Halifax Regional Council adopt the proposed amendments to the Halifax Municipal Planning Strategy (MPS) and the Halifax Peninsula Land Use By-law (LUB) as contained in Attachments A and B of the staff report dated October 9, 2014, provided that Attachment B includes provisions to allow the minimum side yard setback along lot lines that share an RC-4 Zone to be reduce to 5.5 metres (18.0 feet) and to allow balconies along the same lot lines to be reduced to 3.5 meters (11.5 feet).

Councillor Mason spoke in support of the motion, indicating that there has been no opposition to the proposed development and this is a housekeeping matter to align the zoning and allow the development to proceed. Councillor Mason asked Council to support the motion.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Karsten, Mosher, Rankin, Whitman and Johns.

16. ADJOURNMENT

The meeting was adjourned at 7:02 p.m.

Cathy J. Mellett
Municipal Clerk