



**HALIFAX REGIONAL COUNCIL
MINUTES
March 31, 2015**

PRESENT: Deputy Mayor Lorelei Nicoll
Councillors: Barry Dalrymple
David Hendsbee
Bill Karsten
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: Mayor Mike Savage

STAFF: Mr. Richard Butts, Chief Administrative Officer
Mr. John Traves, Municipal Solicitor
Ms. Cathy Mellett, Municipal Clerk
Ms. Sheilagh Edmonds, Legislative Assistant
Ms. Phoebe Smith, 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_2015-03-31_live.mp4.html

The agenda, supporting documents, and information items circulated to Council are available online: <http://www.halifax.ca/council/agendasc/150331rc-Agenda.php>

The meeting was called to order at 3:04 p.m. and recessed at 4:55 p.m. Council moved into an In Camera session at 4:58 p.m. and reconvened in public at 6:00 p.m. Council adjourned at 7:15 p.m.

1. INVOCATION

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

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillors noted a number of special community announcements and acknowledgements.

3. APPROVAL OF MINUTES – NONE

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

Additions:

- 14.1 Ratification of Motion from Committee of the Whole – Fires Services Operational Review – 2014 Update and Halifax Regional Fire and Emergency – Proposed 2015/16 Budget and Business Plan

A brief discussion ensued regarding the motion from the Committee of the Whole meeting which had been circulated to Council at the beginning of this meeting, with some Councillors expressing concern that it did not completely reflect the motion from Committee of the Whole specifically in regard to having defeated the motion to decommission several fire stations. The Municipal Solicitor indicated that the direction provided in Committee of the Whole was complex and he and the Municipal Clerk were working to clarify and ensure that, procedurally, it is correct. He added that the motion would be before Council to deal with it on the agenda.

MOVED by Councillor Watts, seconded by Councillor Whitman 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 17174 – Amendments to the Halifax Municipal Planning Strategy (MPS) and Halifax Peninsula Land Use By-law (LUB) and a Development Agreement – 1017 & 1021 Beaufort Avenue, Halifax (Joint Public Hearing with Halifax and West Community Council)**

This matter was dealt with later in the meeting. See page 14.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence

The Clerk noted that correspondence was received for items: 9.1 and 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 Second Reading, Proposed By-law S-439, Respecting Amendments to By-law S-400 Respecting Charges for Street Improvements

The following was before Council:

- A staff recommendation report dated February 5, 2015.
- An extract of draft minutes from Regional Council on March 10, 2015

MOVED by Councillor Johns, seconded by Councillor McCluskey that Halifax Regional Council:

1. **Approve the 2013 Local Improvement Charges as outlined in By-law S-439 attached to the February 5, 2015 staff report; and**
2. **Adopt By-law S-439, amending By-law S-400, the Street Improvement By-law, as set out in Attachment 1 of the staff report dated February 5, 2015.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Mayor Savage

11.1.2 First Reading, Proposed By-law S-803, Respecting Amendments to By-law S800 Respecting Temporary Signs

The following was before Council:

- A staff recommendation report dated February 9, 2015.
- An extract of draft minutes from Regional Council on March 10, 2015

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

1. **Adopt By-law S-803, amending by-law S-801, Respecting Licensing of Temporary Signs, as set out in Attachment D of the staff report dated February 9, 2015;**
2. **Adopt the proposed amendments to Administrative Order 15, as set out in Attachment G of the staff report dated February 9, 2015; and**
3. **Direct staff to initiate the public consultation process to identify exceptions to Mobile Sign restrictions in some areas of Bedford for the purpose of proposing future amendments to By-law S-801.**

MOTION PUT AND PASSED. (14 in favour, 1 against)

In favour: Deputy Mayor Lorelei Nicoll, and Councillors: Dalrymple, Karsten, McCluskey, Fisher, Mason, Watts, Mosher, Walker, Adams, Rankin, Whitman, Johns, and Craig

Against: Councillor Hendsbee

Not present: Mayor Savage and Councillor Outhit

11.1.3 Award – Tender 15-010 Grass Mowing Halifax Peninsula South, Downtown, and Halifax Peninsula North (Districts 7 and 8)

The following was before Council:

- A staff recommendation report dated February 26, 2015.

MOVED by Councillor Watts, seconded by Councillor Mason that Halifax Regional Council award Tender No. 15-010, Grass Mowing, Districts 7 and 8, to the lowest bidder meeting specifications: Teak Tree Enterprises Limited, for a three (3) year contract price of \$641,518.44 (net HST included), with an option to renew for two additional one-year terms. Funding is available from Operating Account W191-6399 as outlined in the Financial Implications section of the February 26, 2015 staff report.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Mayor Savage

11.1.4 Award – Tender 15-003 Grass Mowing Dartmouth South, Eastern Passage and Dartmouth Centre, Districts 3 and 5

The following was before Council:

- A staff recommendation report dated February 26, 2015.

MOVED by Councillor McCluskey, seconded by Councillor Karsten that Halifax Regional Council award Tender No. 15-003, Grass Mowing, Districts 3 and 5, to the lowest bidder meeting specifications: Teak Tree Enterprises Limited, for a three (3) year contract price of \$548,211.69 (net HST included), with an option to renew for two additional one-year terms. Funding is available from Operating Account W191 GL 6399 as outlined in the Financial Implications section of the February 26, 2015 staff report.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Mayor Savage

11.1.5 Request for Encroachment – Dalhousie Hot Water System

The following was before Council:

- A staff recommendation report dated March 5, 2015.

MOVED by Councillor Mason, seconded by Councillor Fisher that Halifax Regional Council approve the encroachment agreement attached to the March 5, 2015 staff report allowing the construction of a hot water heating pipeline system under College Street, Summer Street, University Avenue, South Park Street, Brenton Place, Clyde Street and Queen Street.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Mayor Savage

11.1.6 Policy – Refunds for Payment of Taxes Paid in Error

The following was before Council:

- A staff recommendation report dated March 12, 2015.

MOVED by Councillor McCluskey, seconded by Councillor Karsten that Halifax Regional Council ratify and confirm Administrative Order 18, The Revenue & Collections Policy without amendment.

MOTION PUT AND PASSED. (15 in favour, 1 against)

In favour: Deputy Mayor Lorelei Nicoll, and Councillors: Dalrymple, Karsten, McCluskey, Fisher, Mason, Watts, Mosher, Walker, Adams, Rankin, Whitman, Johns, Craig, and Outhit.

Against: Councillor Hendsbee

Not present: Mayor Savage

11.1.7 Solar City Pilot Program Summary

The following was before Council:

- A staff recommendation report dated January 14, 2015.

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

- 1. Approve the continuation of the Solar City Program for three years at no direct net cost to HRM;**
- 2. Increase the budget for project account CD990001 Solar City Program by \$13,112,700 with funding as indicated in the Financial Implications section of the January 14, 2015 staff report;**
- 3. Endorse the project initiation to include solar photovoltaic, solar air, and solar thermal technologies;**
- 4. Direct staff to supply an annual report on the Solar City program; and**
- 5. Direct staff to implement the recommendations from the Grant Thornton report on the pilot project.**

Several members of Council spoke favourably in regard to the Solar City Program and in support of the continuation of the program for a further three years.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Mayor Savage

11.1.8 Sidewalk Café By-Law – Tiered Fees and Annual Café Approvals (supplementary Report)

The following was before Council:

- A staff supplementary recommendation report dated March 4, 2015.

MOVED by Councillor Mason, seconded by Councillor Whitman that Halifax Regional Council direct staff to bring forward amendments to:

- 1. Administrative Order 15, the License, Permits and Processing Fees Administrative Order, to create a tiered fee system for sidewalk cafes as set out in the supplementary staff report dated March 4, 2015; and,**
- 2. By-law S-1000, the Sidewalk Café By-law and to Administrative Order 2014-016 GOV, the Delegation to the Appeals Committee Administrative Order, to delegate annual café approvals to the Licence Administrator.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Mayor Savage

11.2 DESIGN REVIEW COMMITTEE & HERITAGE ADVISORY COMMITTEE

11.2.1 Case 19516 – Rezoning and Land Use By-law (LUB) Amendments – St. David’s Church Hall (1537 Brunswick Street) and portion of the former Halifax Memorial Library site, Halifax

The following was before Council:

- A recommendation report dated March 19, 2015 from the Chair of the Design Review Committee; with an attached staff recommendation report dated February 2, 2015.
- A recommendation report dated March 23, 2015 from the Vice Chair of the Heritage Advisory Committee; with an attached staff recommendation report dated February 2, 2015.

MOVED by Councillor Mason, seconded by Councillor Fisher that Halifax Regional Council give First Reading to the proposed amendments to the Downtown Halifax Land Use By-law to rezone the western portion of 1537 Brunswick Street and the northern portion of 5381 Spring Garden Road, Halifax from the ICO (Institutional, Cultural and Open Space) Zone to DH-1 (Downtown Halifax) Zone and amend the streetwall setback for 1537 Brunswick Street from 4 metres to between 0-1.5 metres, as contained in Attachment A of the staff report dated February 2, 2015, and schedule a public hearing.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Mayor Savage and Councillor Mosher

11.3 MEMBERS OF COUNCIL

11.3.1 Councillor Whitman – Bedford Highway Reversing Lanes

The following was before Council:

- A staff information report dated December 19, 2014.

MOVED by Councillor Whitman, seconded by Councillor Hendsbee that Halifax Regional Council request a staff report outlining costs, and possible time-lines and strategies for the installation of a reversing lane on the Bedford Highway from Kearney Lake Road to the Windsor Street exchange.

Councillor Walker spoke in opposition to the motion. He referred to the report and advised that staff have already carried out the analysis and provided an explanation why they feel a reversing lane will not work. In addition, Councillor Walker pointed out that outbound traffic would be significantly impacted by a reversing lane. For example, he advised that morning traffic to Mount Saint Vincent University is substantial and outbound traffic makes a left turn into the University and, in this situation, it would create a significant back up of outbound traffic.

Councillor Outhit advised that he would like to hear from staff as to why they don’t think it would work, and if there is a reasonable cost at which it would work. In response, Mr. Dave McCusker, Regional Transportation Manager responded that staff carried out extensive simulation modelling of a reversing lane and found there would be no improvement in operation, and that because of this they did not proceed any further and carry out in-depth cost estimates. He advised that one small project at the rotary of less than a kilometer in length has cost almost \$1million dollars.

Councillor Watts advised that she could not support the request for staff report, advising that it would be a situation of spending more money that is going to cost the municipality more and which might not have much benefit. She added that Council needs to be considering a more regional analysis and also look at supporting people moving through the city by other means such as commuter rail and active transportation.

Councillor Outhit advised that he would support the motion because he would like more information on cost estimates and comparison with other modes of transportation, i.e. for the cost of the reversing lane, what else could Council do with the same amount of funds.

The Chief Administrative Officer cautioned Council that the report being requested was complex, advising that it would be major undertaking and will take some time and expense to prepare.

MOTION PUT AND PASSED. (9 in favour; 7 against)

In favour: Councillors: Dalrymple, Hendsbee, McCluskey, Fisher, Adams, Whitman, Johns, Craig, and Outhit.

Against: Deputy Mayor Nicoll; and Councillors: Karsten, Mason, Watts, Mosher, Walker, and Rankin.

Not Present: Mayor Savage.

Councillor Karsten noted that when the staff report comes back and if it contains unbudgeted costs, the report should go to the Audit and Finance Standing Committee.

12. MOTIONS - None

13. IN CAMERA

13.1 Intergovernmental Relations

13.1.1 Supplementary Education – Memorandum of Understanding (MOU) Renewal – Private and Confidential Report

This matter was dealt with following item 15. See page 13.

14. ADDED ITEMS

14.1 Ratification of Motion from Committee of the Whole – Fires Services Operational Review – 2014 Update and Halifax Regional Fire and Emergency – Proposed 2015/16 Budget and Business Plan

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

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

- 1. Endorse the 5-Year Technology Roadmap objectives in the Discussion section of the staff report dated December 15, 2014 and include the year one objectives (Data Management and Process Review, HRFE Dispatch Project, and HRFE FDM Review and Enhancements) in the 2015/2016 capital budget.**
- 2. Not authorize staff to decommission:
 - 1. Station 4 (Lady Hammond);**
 - 2. Station 11 (Patton Road);**
 - 3. Station 13 (King Street).****
- 3. Authorize staff to initiate the process to improve and increase coverage by relocating Station 8 to the area between the Highway 102 and 101 intersections and Bedford**

Commons, and construct a new station on Larry Uteck Drive

4. Authorize staff to investigate partnership opportunities with Halifax Stanfield International Airport to improve service delivery.
5. Endorse the following:
 - (a) Improve the rural fire response by:
 - i. maintaining E Platoon complements, as per the Discussion Section of the staff report dated December 15, 2014 and as set out in Attachment 1 (proposed staffing model);
 - ii. increasing career staff to four in major rural stations; and
 - iii. investigating options to transition Station 28 (Sheet Harbour) to E Platoon staffing levels.
 - (b) Maintain 24/7 Volunteer staffing, as per the Discussion section of the December 15, 2014 staff report and as set out in Attachment 1 (proposed staffing model) as Amended by previous motion in regard to Blackpoint Fire Station.
 - (c) Not decommission volunteer sub-stations 25 (Ostrea Lake-Pleasant Point), 31 (East Ship Harbour), 36 (Meaghers Grant), and 43 (Grand Lake - Oakfield).
 - (d) Maintain the existing fire coverage MOU with Enfield.
 - (e) Investigate entering into fire coverage MOUs with communities bounding Halifax Regional Municipality, including Hubbards and Ecum Secum.
 - (f) Continue volunteer recruitment initiatives.
6. Direct staff to return to Council with a revised Fire Service Delivery Target and Administrative Order 24 no later than March 2016, following further detailed analysis of the 2006 Service Delivery Standard
 - It was noted that direction to the Chief Financial Officer in regard to the preparation of the Fire Services 2015/2016 Budget and Business plan will be voted on by Council during approval of the 2015-2016 Budget
7. That the volunteer model be revised only after input is provide from the HRFE Volunteers through the Volunteer Fire Advisory Committee, the purpose of which is to find a sustainable model and an appropriate number.

MOVED by Councillor Hendsbee, seconded by Councillor McCluskey that recommendation 5 (a) iii be amended to read as follows: “transition Station 28 (Sheet Harbour) to E Platoon staffing level”.

THE AMENDMENT WAS PUT AND PASSED. (14 in favour, 2 against)

In favour: Deputy Mayor Nicoll, and Councillors: Dalrymple, Hendsbee, Karsten, McCluskey, Fisher, Mason, Watts, Adams, Rankin, Whitman, Johns, Craig, and Outhit.

Against: Councillors Mosher and Walker

Not Present: Mayor Savage

Councillor Rankin requested separate votes on each recommendation.

Recommendation 1:

- 1. Endorse the 5-Year Technology Roadmap objectives in the Discussion section of the staff report dated December 15, 2014 and include the year one objectives (Data Management and Process Review, HRFE Dispatch Project, and HRFE FDM Review and Enhancements) in the 2015/2016 capital budget.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not Present: Mayor Savage and Councillor Whitman

Recommendation 2:

- 2. Not authorize staff to decommission:
 - 1. Station 4 (Lady Hammond);****

MOTION PUT AND PASSED. (10 in favour, 6 against)

In favour: Deputy Mayor Nicoll; and Councillors: Dalrymple, Hendsbee, Karsten, McCluskey, Fisher, Watts, Whitman, Johns, and Outhit.

Against: Councillors: Mason, Mosher, Walker, Adams, Rankin, and Craig.

Not Present: Mayor Savage

- 2. Station 11 (Patton Road);**

MOTION PUT AND PASSED. (10 in favour, 6 against)

In favour: Deputy Mayor Nicoll; and Councillors: Dalrymple, Hendsbee, Karsten, McCluskey, Fisher, Watts, Adams, Whitman, and Johns.

Against: Councillors: Mason, Mosher, Walker, Rankin, Craig, and Outhit.

Not Present: Mayor Savage.

3. Station 13 (King Street).

MOTION PUT AND PASSED. (10 in favour, 6 against)

In favour: Deputy Mayor Nicoll; and Councillors: Dalrymple, Hendsbee, Karsten, McCluskey, Fisher, Watts, Adams, Whitman, and Johns.

Against: Councillors: Mason, Mosher, Walker, Rankin, Craig, and Outhit.

Not Present: Mayor Savage

Recommendation 3:

- 3. Authorize staff to initiate the process to improve and increase coverage by relocating Station 8 to the area between the Highway 102 and 101 intersections and Bedford Commons, and construct a new station on Larry Uteck Drive**

MOTION PUT AND PASSED UNANIMOUSLY.

Not Present: Mayor Savage

Recommendation 4:

- 4. Authorize staff to investigate partnership opportunities with Halifax Stanfield International Airport to improve service delivery.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not Present: Mayor Savage

Recommendation 5 (a) as amended and 5 (b):

- 5. Endorse the following:**
- (a) Improve the rural fire response by:**
 - i. maintaining E Platoon complements, as per the Discussion Section of the staff report dated December 15, 2014 and as set out in Attachment 1 (proposed staffing model);**
 - ii. increasing career staff to four in major rural stations; and**
 - iii. transition Station 28 (Sheet Harbour) to E Platoon staffing level.**
 - (b) Maintain 24/7 Volunteer staffing, as per the Discussion section of the December 15, 2014 staff report and as set out in Attachment 1 (proposed staffing model) as amended by previous motion in regard to Blackpoint Fire Station.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not Present: Mayor Savage

Recommendation 5 (c):

- (c) **Not decommission volunteer sub-stations 25 (Ostrea Lake-Pleasant Point), 31 (East Ship Harbour), 36 (Meaghers Grant), and 43 (Grand Lake - Oakfield).**

MOTION PUT AND PASSED. (10 in favour, 6 against)

In favour: Deputy Mayor Nicoll; and Councillors: Dalrymple, Hendsbee, Karsten, McCluskey, Fisher, Watts, Adams, Whitman, and Johns.

Against: Councillors: Mason, Mosher, Walker, Rankin, Craig, and Outhit.

Not Present: Mayor Savage

Recommendation 5 (d), (e), and (f):

- (d) **Maintain the existing fire coverage MOU with Enfield.**
- (e) **Investigate entering into fire coverage MOUs with communities bounding Halifax Regional Municipality, including Hubbards and Ecum Secum.**
- (f) **Continue volunteer recruitment initiatives.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not Present: Mayor Savage.

Recommendation 6:

- 6. **Direct staff to return to Council with a revised Fire Service Delivery Target and Administrative Order 24 no later than March 2016, following further detailed analysis of the 2006 Service Delivery Standard**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Mayor Savage

Recommendation 7:

- 7. **That the volunteer model be revised only after input is provide from the HRFE Volunteers through the Volunteer Fire Advisory Committee, the purpose of which is to find a sustainable model and an appropriate number**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Mayor Savage

The approved motion reads as follows:

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

1. **Endorse the 5-Year Technology Roadmap objectives in the Discussion section of the staff report dated December 15, 2014 and include the year one objectives (Data Management and Process Review, HRFE Dispatch Project, and HRFE FDM Review and Enhancements) in the 2015/2016 capital budget.**
2. **Not authorize staff to decommission:**
 1. **Station 4 (Lady Hammond);**
 2. **Station 11 (Patton Road);**
 3. **Station 13 (King Street).**
3. **Authorize staff to initiate the process to improve and increase coverage by relocating Station 8 to the area between the Highway 102 and 101 intersections and Bedford Commons, and construct a new station on Larry Uteck Drive**
4. **Authorize staff to investigate partnership opportunities with Halifax Stanfield International Airport to improve service delivery.**
5. **Endorse the following:**
 - (a) **Improve the rural fire response by:**
 - i. **maintaining E Platoon complements, as per the Discussion Section of the staff report dated December 15, 2014 and as set out in Attachment 1 (proposed staffing model);**
 - ii. **increasing career staff to four in major rural stations; and**
 - iii. **transition Station 28 (Sheet Harbour) to E Platoon staffing level.**
 - (b) **Maintain 24/7 Volunteer staffing, as per the Discussion section of the December 15, 2014 staff report and as set out in Attachment 1 (proposed staffing model) as Amended by previous motion in regard to Blackpoint Fire Station.**
 - (c) **Not decommission volunteer sub-stations 25 (Ostrea Lake-Pleasant Point), 31 (East Ship Harbour), 36 (Meaghers Grant), and 43 (Grand Lake - Oakfield).**
 - (d) **Maintain the existing fire coverage MOU with Enfield.**
 - (e) **Investigate entering into fire coverage MOUs with communities bounding Halifax Regional Municipality, including Hubbards and Ecum Secum.**

- (f) Continue volunteer recruitment initiatives.
6. Direct staff to return to Council with a revised Fire Service Delivery Target and Administrative Order 24 no later than March 2016, following further detailed analysis of the 2006 Service Delivery Standard
7. That the volunteer model be revised only after input is provide from the HRFE Volunteers through the Volunteer Fire Advisory Committee, the purpose of which is to find a sustainable model and an appropriate number.
15. NOTICES OF MOTION - NONE
13. IN CAMERA
- 13.1 Intergovernmental Relations
- 13.1.1 Supplementary Education – Memorandum of Understanding (MOU) Renewal – Private and Confidential Report

The following was before Council.

- A Private and Confidential staff recommendation report dated March 25, 2015.

MOVED by Councillor Rankin, seconded by Councillor Mosher that Halifax Regional Council direct staff to negotiate a two-year MOU with the Halifax Regional School Board as outlined in the March 25, 2015 Private and Confidential report.

Prior to taking a vote on the motion, a motion to convene in camera was put forward.

MOVED by Councillor Watts, seconded by Councillor Mason that Council convene in camera.

MOTION PUT AND PASSED. (11 in favour, 5 against)

In favour: Deputy Mayor Nicoll; and Councillors: Dalrymple, Hendsbee, Karsten, McCluskey, Fisher, Mason, Watts, Johns, Craig, and Outhit.

Against: Councillors: Mosher, Walker, Adams, Rankin, and Whitman.

Not Present: Mayor Savage

Councillor Mosher retired from the meeting.

Council recessed at 4:55 p.m.

Council reconvened at 6:00 p.m.

13. IN CAMERA
- 13.1 Intergovernmental Relations
- 13.1.1 Supplementary Education – Memorandum of Understanding (MOU) Renewal – Private and Confidential Report

The following motion was on the floor in the public session:

MOVED by Councillor Rankin, seconded by Councillor Mosher that Halifax Regional Council direct staff to negotiate a two-year Supplementary Education – Memorandum of Understanding (MOU) with the Halifax Regional School Board as outlined in the March 25, 2015 Private and Confidential report.

Council dealt with this matter in camera. Following the in camera discussion, council voted on the motion in the public session.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Mayor Savage, Councillors: Dalrymple, Mosher, Johns, and Craig.

9. PUBLIC HEARINGS

9.1 Case 17174 – Amendments to the Halifax Municipal Planning Strategy (MPS) and Halifax Peninsula Land Use By-law (LUB) and a Development Agreement - 1017 & 1021 Beaufort Avenue, Halifax (Joint Public Hearing with Halifax and West Community Council)

The following was before Council:

- A staff recommendation report dated February 18, 2015, with attached staff report dated January 23, 2015.
- An extract of draft minutes from Regional Council on March 10, 2015
- A staff presentation dated March 30, 2015.
- Correspondence from: Umesh Jha, Alan Longhurst, Cecil Caines, David Clarke, Nina and Taki Kostopoulos and Karine Renton, Karine Renton, Ian Beaupries, David Bryson (2), and M.W. Butt.

Mr. Miles Agar, Planner, Planning and Development, presented Case 17174 as detailed in the staff report dated February 18, 2015.

Deputy Mayor Nicoll called for questions of clarification from Council. There being none, she opened the public hearing and invited the applicant to address council.

Ms. Jennifer Tsang, Planning Consultant, spoke on behalf of the applicant. Ms. Song provided some background information about the applicants and the current proposal. She noted that in 2010, the applicants consulted HRM on the best way to approach the proposal and were informed that the policies would not allow a six-house development on a private driveway, but that they did allow a standard sub-division. According to Ms. Song, the applicants decided not pursue the sub-division option because they wanted to preserve as much of the property as possible and have a smaller-scale development. She explained that in March 2012, Regional Council approved an initiation report to explore the possibility of 6 homes on a private driveway and raised the question of having parkland dedication as part of the proposal. After years of discussion, the applicants determined that was not feasible, however Ms. Song noted that they and staff agreed that there should be interpretive panels marking the history of the property, and these have been built into the Development Agreement. Ms. Song explained that the draft Development Agreement addresses all the concerns that have been raised over the past five years and that if there are any outstanding issues with the agreement, they can be discussed at a later date as the Development Agreement will need to be approved by the Halifax and West Community Council.

Deputy Mayor Nicoll called for questions of clarification from Council. There being none, she read the rules of procedure respecting public hearings and invited members of the public to come forward and address Regional Council with respect to Case 17174.

Ms. Nina Kostopoulos of Halifax commented that she is not opposed to the Development Agreement but does have some concerns. She noted that the development would mean increased traffic in an area that is already a main artery and where there have been a number of recent car accidents. She expressed concern with where construction vehicles would park and requested an amendment to note

that all construction vehicles should be on the land in question. She expressed her opinion that communication from the developers was poor when the original house was being demolished and asbestos was present, and she requested the contact information of a person who can be reached if there are safety concerns during construction. She concluded by questioning whether neighbours would be notified of demolition and blasting dates, and which technique would be used if there is bedrock on the site.

Mr. Taki Kostopoulos of Halifax noted that he does not disapprove of the development, but he has some issues with the contents of the Development Agreement. He requested clarification on how far the set-back would be, and indicated he would like it be at least twenty feet. He expressed concern that side- and back-yard proximity to the property line may block the sun from neighbouring backyards. Mr. Kostopoulos noted that he believes there to be an underground stream running across the property. Finally, he requested the developers make an effort to protect more of the trees on the property to be a buffer for noise and dust.

Ms. Karine Renton of Halifax provided commentary with respect to the green space in front of site one. She urged the applicant to restore the park and place interpretive panels. She questioned whether the land could be subdivided to create a separate lot. She concluded by requesting the contact information for a person that would be on site during the development and that the site be kept clean.

Mr. Mark Poirier of Halifax noted his concerns with respect to environmental issues, drainage, tree preservation, and electrical wiring. He requested that the Development Agreement be revised to include an environmental assessment and remediation plan for possible subsurface pollutants. He suggested an engineer examine the retaining wall and protect neighbours from possible drainage issues. He noted three trees that should be preserved on the edge of the property. He concluded by recommending the applicant consider underground electrical wiring as it will make the development attractive and protect the historic Linden trees.

Mr. David Clarke of Halifax noted that he felt the phrase “in keeping with the neighbourhood” in the staff presentation was not sufficient to ensure the character of the neighbourhood would be preserved. He expressed concern with the size of the potential houses, noting that the total square footage would be more than double that of the neighbouring properties. He encouraged Council to consider restricting the size of the houses to be 2,200 square feet with a gross floor area of 4,000 square feet to try to preserve the character of the area.

In response to a question from Councillor Hendsbee, Mr. Clarke noted that to his knowledge, all the houses in the area are single family dwellings.

Mr. Steve Williams, Engineer, Mac Williams Engineering Limited presented himself as the engineer engaged by the applicant on this project. Mr. Williams informed Council that traffic patterns were considered and indicated that staff has reports showing that there will be little to no increase to traffic. He advised that there is bedrock on the site so there will likely be blasting, which is highly regulated by HRM. He noted that provincial legislation with respect to environmental issues ensures there will be plenty of oversight. He remarked that there was a technical study completed with ten test bits dug to examine subsurface materials. With respect to groundwater, he noted that this will be addressed during the design and construction phase. He informed Council that the applicant intends to use underground electrical wiring. He concluded by providing commentary with respect to the issue of park land, noting that the developer tried very hard to keep this in the plan; however, Halifax Water determined that each home would need its own service pipes, which would preclude the establishment of a park. He expressed his opinion that the current plan for interpretive panels was a good compromise.

In response to a question from Councillor Hendsbee, Mr. Williams confirmed that Halifax Water requires one lateral per property, thus six laterals are required and the developers are not permitted to include a common easement. Responding to a follow up question, he noted that there will likely that several units to the rear of the property might be slab on grade due to the sight grading.

Mr. Alan Ruffman of Halifax encouraged Council to consider recommending to the Provincial Government that Capital Gains be eliminated so that all profit from selling land is taxable, which he argued would address land speculation and act as a throttle to overbuilding in Halifax. He noted that there has not been an overall planning process for the neighbourhood and that this discussion has been limited to these two lots of land, not the implications to the neighbourhood. He advised that the area is currently comprised entirely of low-density residential space, but that there may be opportunities for lot consolidation and other types of densification, and he urged Council to consider the matter in a broader neighbourhood sense. He expressed concern with the matter of parking and raised the possibility of restricting the developments to one-car garages.

Deputy Mayor called three times for any other speakers. There being none, she invited the applicant to address Council.

Mr. David Bryson, the applicant, thanked all who have participated in the planning process. He spoke to his long association of living in the neighbourhood on the property. He expressed his belief that the Development Agreement today is superior to the cul-de-sac that received Council approval five years ago. He indicated that the houses will not be huge; rather, the lots will be smaller than those in the R1A zone surrounding them. He remarked that this development will help to preserve the built value of the area by offering an attractive alternative to those looking to live in the area in a more modern dwelling than currently exists. He indicated that his intention was to have a development in which families can be raised and roots can be put down in the community.

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

Councillor Mason highlighted some of the questions from the residents. He referenced concerns regarding construction traffic, the twenty foot setback, the green space panels, the length of time allowed to clean the worksite, and environmental issues and water management.

Mr. Agar responded that construction traffic is managed through the engineering department through a permitting process. He clarified that the setback from Beaufort Avenue is required to be a minimum of twenty feet, and pointed out that a ten foot setback is provided for side yards of buildings with frontage on Beaufort Avenue where the requirement as-of-right for buildings constructed in those locations would be six feet. He pointed out that the green space panels to commemorate the heritage of area are just to the north of the entrance of the driveway as prescribed through clause in Development Agreement. Regarding site cleanup, he noted again that this would be managed through the engineering department permitting process. He relayed that environmental matters are the jurisdiction of the Province. He concluded by advising that the Development Agreement contains conditions requiring a professional engineer to provide stormwater management and other sedimentation and erosion control measures as part of the construction process.

In response to a clarification question from Councillor Watts, Mr. Agar noted that the green area is an undevelopable area protected in the Development Agreement through the site plan which requires a significant setback from Beaufort Avenue.

Councillor Rankin referenced concern with the proposed scale of the houses and requested clarification on what can be done by right in terms of lot coverage and height. Mr. Agar responded that the lot coverage and height outlined in the Development Agreement is the same as what could have been done by right.

MOVED by Councillor Mason, seconded by Councillor Fisher that Halifax Regional Council approve 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 recommendation report dated January 23, 2015.

Councillor Mason acknowledged the work of previous Councillor Sue Uteck and expressed his opinion that this proposal will give a better result to the neighbourhood than the cul-de-sac. He refuted the idea that this was spot zoning, citing the existing subdivision bylaw and compliance with R1 and R1A zoning. He noted his concern regarding the maximum gross floor area as per the Halifax Peninsula Land Use By-law, commenting that these houses have a larger gross floor area than would be allowed anywhere on the peninsula where the limit is 5,200 square feet.

Mr. Agar clarified that the by-law allows either 5,200 square feet or 35% of the lot, whichever is greater. He noted that homes can be built far larger than 5,200 square feet and that he believed this proposal was fair and compatible with the neighbourhood to allow a 25% increase to each home compared to what could be built on a similar size lot in terms of gross floor area.

Councillor Rankin reiterated that the applicant could have built 9 houses with a cul-de-sac with no tree preservation, and he advised that he is prepared to support the motion.

Councillor Watts requested clarification whether issues concerning the gross floor area could be dealt with at Community Council as the Development Agreement is reviewed.

Mr. Kurt Pyle, Supervisor of Planning Applications responded that it could be dealt with by Community Council through the Development Agreement as long as any changes made are not significant.

Mr. John Traves, Municipal Solicitor, added that if there are substantive changes, another public hearing would be required for the Development Agreement.

In response to a question from Councillor Whitman, Mr. Agar affirmed that the driveway for sites three and four could be shared, though he believes the intention is for each site to have its own driveway.

Councillor Mason noted that any unresolved issues seem to be at the gross floor area allowed for in the Development Agreement, and that the proposed amendments to MPS and LUB, which is the decision of Council today, would not be affected. He noted that further discussions could lead to a change in that area.

Mr. Pyle noted that additional information cannot be received or provided after tonight.

Mr. Traves clarified that the matter could be debated at Community Council but there cannot be further input from staff, developer or the public. The joint public hearing is occurring this evening and Community Council will then take a decision based on the input from the hearing and any amendments to the MPS and LUB that are passed by Council. In response to a question from Councillor Rankin, Mr. Traves noted that with respect to amendments to the DA, any proposed changes must be in accordance with by-laws and that if an amendment is significant there may be a need for another public hearing at the Community Council before finalizing the Development Agreement.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Mayor Savage, Councillors Dalrymple, Mosher, and Johns

16. ADJOURNMENT

The meeting adjourned at 7:15 p.m.

Cathy J. Mellett
Municipal Clerk