

HALIFAX REGIONAL COUNCIL
MINUTES

April 12, 2011

PRESENT:

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

REGRETS:

Councillors: Bill Karsten
Dawn Sloane
Reg Rankin

STAFF:

Mr. Richard Butts, Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Sherryl Murphy, Acting Municipal Clerk
Ms. Cathy Mellett, Municipal Clerk
Ms. Chris Newson, Legislative Assistant
Ms. Krista Tidgwell, Legislative Assistant

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1. INVOCATION

Mayor Kelly called the meeting to order at 2:33 p.m. with the Invocation being led by Councillor Blumenthal.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Blumenthal announced that the St. Joseph Alexander McKay Elementary School has been removed from the list of schools under review. He then noted the following upcoming events:

- Tuesday, April 12th - Spaghetti Supper at Michael's on Young Street, donations for Cat Spa.
- Friday, April 15th, Wine Auction from 7:00 to 9:00 p.m. at St. Joseph's Alexander McKay School on Russell Street, Halifax
- Wednesday, April 20th, HRM Volunteer Awards at the Holiday Inn
- Thursday, April 21, Ward 5 Annual Easter Luncheon at 12:00 noon.

Councillor Mosher announced that on Thursday, April 14th at 7:00 p.m. in the Armdale Yacht Club an *Illustrated Talk: My Grandfather's Tower* would be held in regard to the Dingle Memorial Tower restoration project.

Councillors Streach and Outhit entered the meeting at 2:36 p.m.

Councillor Dalrymple noted Information Report 1 outlines a water solution for the Fall River Recreation Centre (Gordon R. Snow); he thanked all who assisted and advised that the tender for the final phase has gone out and water should be available soon. He then announced the following upcoming events:

- April is Volunteer Appreciation Month – thank you to all volunteers across HRM.
- Friday, April 15th, District 2 Volunteer Appreciation Dinner and Awards Night at the Waverley Legion.
- Saturday, April 16th, Waverley Legion Annual Awards Dinner and Recognition Night at 7:00 p.m.
- Sunday; April 17th the LWF Rate Payers Association's AGM and Election of Officers to be held at the new Fall River Recreation Centre at 1:30 p.m.
- Sunday, April 17th, from 2:00 p.m. to 4:00 p.m. at the LWF Hall, a Classic Country Concert.
- Sunday, April 17th, from 2:00 p.m. to 4:00 p.m. the Grand Re-Opening of the Community Centre/Brown Hall on the Beaver Bank Road.

Councillor Lund announced the following upcoming events;

- Wednesday, April 13th: Public Information Meeting to be held at the Tantallon Library in regard to three buildings proposed for Upper Tantallon.
- Thursday, April 14th – the newly formed Bay Road Community Association will meet at the Lewis Lake Fire Hall.

Councillor Hendsbee entered the meeting at 2:40 p.m.

Councillor Watts announced the following upcoming events:

- Halifax Regional School Board String Night at the Forum at 7:00 p.m., music provided by students.
- Thursday, April 14th, a public meeting at the St. Andrew's Recreation Centre, Bayers Road, at 7:00 p.m. in regard to possible upgrades and maintenance of Flynn Park.
- April 12th to 16th - Dartmouth Crossing is hosting the Viewfinders Film Festival for children/youth
- Saturday, April 16th - Nova Scotia Food Policy Council will hold a provincial meeting at the Dixon Centre. For more information see their website.

Councillor Johns announced the following upcoming events:

- Sunday, April 17th: Springfield Lake Recreation Centre Annual Breakfast with the Easter Bunny and Easter Egg Hunt at 9:00 a.m., Springfield Lake Recreation Centre
- Sunday, April 17th at 7:00 p.m. in the Springfield Recreation Centre, Residents of Berry Hill and Wilson Lake area's Homeowners Association AGM.

Councillor Blumenthal wished the Jewish Community a Happy Passover starting on Monday evening. He gave regrets for the Tuesday, April 19th Council session as it will be during the Second Seder.

Councillor Hum thanked the students of Halifax West High School's Environment Club for the Neighbourhood Clean Up on the Mainland Common area last Thursday; 62 bags of garbage were collected in one hour. On Friday and Tuesday, the students collected almost 3000 batteries to be taken to the Hazardous Waste Depot. She thanked all staff and students involved with these events.

Councillor Hendsbee announced the following upcoming events:

- Friday, April 15th, Lift Your Voice group discussion with Senator Don Meredith at the Black Cultural Centre
- Saturday, April 16th, Easter Egg Hunt at Porter's Lake Community Centre at 10:00 a.m.
- Saturday, April 16th, Easter Egg Hunt at the Grand Desert St. Therese Centre at 2:00 p.m.

Councillor McCluskey congratulated the Cole Harbour Senators who won the Hockey Tournament in Musquodoboit Harbour; she thanked the people of Musquodoboit Harbour for their great work during the tournament.

3. APPROVAL OF MINUTES – March 29, 2011

MOVED by Councillor Nicoll, seconded by Councillor McCluskey that the minutes of March 29, 2011, as presented, be approved. MOTION PUT AND PASSED.

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

Additions: 13.1 Councillor Uteck – Clarification on Solid Waste Communication
13.2 Councillor McCluskey – Reduce Paper Copying

Deletions: 12.1 Councillor Sloane Motion

Correction: Item 9.1 is not a joint public hearing. The Development Agreement will be dealt with by the Harbour East Community Council.

MOVED by Councillor Uteck, seconded by Councillor Johns, that the Order of Business, 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 15790 – Armco Lands, Hines Road, Eastern Passage

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

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence

10.1.1 Request for Fly-Past – Battle of the Atlantic – Maritime Forces Atlantic

A letter dated April 1, 2011 was before Council.

MOVED by Councillor McCluskey, seconded by Councillor Fisher that Halifax Regional Council grant permission for the Canadian Forces to fly a long-range patrol aircraft over Point Pleasant Park at an altitude of 500 feet above the highest obstacles on Sunday, May 1, 2011 at 10:58 a.m. as part of the Battle of the Atlantic Memorial Ceremony. MOTION PUT AND PASSED.

10.2 Petitions

10.2.1 Councillor Harvey

Councillor Harvey submitted a petition with fifty-four (54) signatures from the Sackville Legion Seniors Club requesting that the Sackville Cross Road be renamed Fader Cross Road.

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Grass Maintenance Contracts – Option #1 of Tenders 11-016, 11-017, 11-018, 11-019, 11-020, 11-021, 11-022, 11-023, 11-024, 11-025 and 11-031

A report dated March 21, 2011 was before Council.

MOVED by Councillor Walker, seconded by Councillor Fisher that Halifax Regional Council award Option #1 for Tender No. 11-016 to 11-025 and Tender No. 11-031 to the lowest bidders meeting specifications as listed in Appendix “B” for a Total Annual Tender Price of \$1,284,758.97 (net HST included) with funding from R710 as outlined in the Budget Implications section of the March 31, 2011 staff report. Year 2, 3 and 4 are at the above rate subject to annual review.

Councillor Fisher requested clarification on whether the Option 2 quotes for Districts 6 and 7 had been reversed with the Option 1 quotes as all other districts had an Option 2 quote lower than Option 1 except for Districts 6 and 7. He requested that staff dialogue with the Contractor to determine whether they were aware when they submitted their application that they were charging more for less work.

Councillor Nicoll requested that staff also adhere to performance measurements for garden beds and playgrounds in regard to maintenance.

Councillor Mosher requested that the Mont Blanc anchor area at Regatta Point be classified as a District Park in regard to grass maintenance with weekly mowing (30 mows) rather than the proposed Neighbourhood Park as the anchor area is a tourist draw. She also requested that the Armdale Round-about (rotary) be mowed weekly (30 mows) as it is also a high profile area.

Referencing Page 5 of the staff report, Councillor Lund requested a list of community partnerships, and examples available, in regard to funding for communities to do grass maintenance themselves or by hiring a local company.

In response to a concern raised by Councillor Barkhouse in regard to maintenance of garden beds (weeding/mulching) in her district, staff offered to meet with the Councillor to address those concerns.

MOTION PUT AND PASSED.

11.1.2 Tender 11-218 – Replacement of the Stillwater Lake Bridge, Hammonds Plains Road – West Region

A report dated March 21, 2011 was before Council.

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

- 1. Award construction administration and site supervision services under RFP No. 09-314, Engineering Services for Replacement Design of Stillwater Lake Bridge, to Dillon Consulting for an estimated fee of \$23,243.26 (net HST included), with funding from Project No. CRU01077 – Bridge Repairs, as outlined in the Budget Implications section of the March 21, 2011 report, and;**
- 2. Award Tender No. 11-218, Replacement of the Stillwater Lake Bridge, Hammonds Plains Road – West Region, to Dexter Construction Company Limited for a Total Tender Price of \$1,217,679.84 (net HST included), with funding from Project No. CRU01077 – Bridge Repairs, as outlined in the Budget Implications section of the March 21, 2011 report.**

Councillor McCluskey requested examples of the unit price quoted for tenders versus the actual cost for the project.

Councillor Lund noted that a Town Hall meeting would be held in regard to the Stillwater Lake Bridge replacement. Residents will be notified through local media/signage in regard to the redirection of traffic for the approximate five to six week reconstruction period.

MOTION PUT AND PASSED

11.1.3 Tender 11-213 – Proposed Resurfacing, Water Main Renewal & Gas Main Installation, Ochterloney Street and resurfacing Victoria Road – East Region

A report dated March 21, 2011 was before Council.

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

- 1. Approve a budget increase of \$583,819 (net HST included) to Project No. CYX01345 – Street Recapitalization, funded through cost sharing with Halifax Water and Heritage Gas, and;**

2. **Award Tender No. 11-213, Proposed Resurfacing, Water Main Renewal and Gas Main Installation, Ochterloney Street and Resurfacing, Victoria Road – East Region, to Brycon Construction Limited for a Total Tender Price of \$1,040,774.28 (net HST included), with funding from Project Nos. CYX01345 – Street Recapitalization and CYU01076 – Curb Renewals, as outlined in the Budget Implications section of the March 21, 2011 staff report.**

Councillor McCluskey encouraged staff to ensure adherence to the construction schedule in order to alleviate negative impacts to businesses along Ochterloney Street due to project delays/overrun.

Councillor Uteck encouraged staff to reconsider the wording used in the reports as it appears as if the projects were underestimated whereas the funding is merely approved advances for the second half of a project. She suggested more information be included in regard to the scope of the work.

MOTION PUT AND PASSED.

11.1.4 Tender 11-200 – Birkdale Crescent Pavement Renewal and Watermain Replacement (Dunbrack Street to Dunbrack Street) – West Region

A report dated March 21, 2011 was before Council.

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

1. **Approve a budget increase of \$319,902.78 (net HST included) to Project No. CYX01345 – Street Recapitalization, funded through cost sharing with Halifax Water, and;**
2. **Award Tender No. 11-200, Birkdale Crescent Pavement Renewal and Watermain Replacement – West Region to Dexter Construction Company Limited for a Total Tender Price of \$541,578.06 (net HST included), with funding from Project No. CYX01345 – Street Recapitalization, as outlined in the Budget Implications section of the March 21, 2011 staff report.**

MOTION PUT AND PASSED.

11.1.5 Tender 11-240 – Paving Renewal, Water Main & Sewer Renewal, Inverary Drive – East Region

A report dated March 23, 2011 was before Council.

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

1. **Approve a budget increase of \$718,865 (net HST included) to Project No. CYX01345 – Street Recapitalization, funded through cost sharing with the Halifax Water, and;**
2. **Award Tender No. 11-240, Paving Renewal, Water Main & Sewer Renewal, Inverary Drive – East Region, to Dexter Construction Company Limited, for a Total Tender Price of \$1,228,428.59 (net HST included) with funding from Project No. CYX01345 – Street Recapitalization, as outlined in the Budget Implications section of the March 23, 2011 staff report.**

MOTION PUT AND PASSED.

11.1.6 Case 16687 – Amendments to the Downtown Dartmouth Municipal Planning Strategy and Land Use By-Law – Portland Street

A report dated March 3, 2011 was before Council.

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

1. **Initiate the process to consider amending the Downtown Dartmouth Municipal Planning Strategy and Land Use By-Law by redesignating and rezoning lands at 224, 226 and 228 Portland Street from Downtown Neighbourhood to Downtown Business to enable a development agreement for a 69 unit apartment building, and;**
2. **Request staff to follow the public participation program as approved by Council in February 1997.**

MOTION PUT AND PASSED

11.1.7 Case 01172 – Development Agreement – Barrington / Sackville / Granville Streets, Halifax (Roy Building)

A staff report dated March 30, 2011 was before Council.

A copy of the District 12 Planning Advisory Committee report dated March 28, 2011 was before Council.

A staff report dated November 18, 2009 was before Council.

A copy of the Heritage Advisory Committee report dated November 26, 2009 was before Council.

An undated letter, received in the Municipal Clerk's Office on April 8, 2011, from the Heritage Trust of Nova Scotia was before Council.

An e-mail dated April 12, 2011 from Janet Morris was before Council.

MOVED by Councillor Uteck , seconded by Councillor Walker that Halifax Regional Council give Notice of Motion to consider an application by 778938 Ontario Limited for a development agreement at 1651 – 57 Barrington Street and 1652 – 66 Granville Street (the “Roy Building”) and 5181 – 87 Sackville Street, Halifax, and schedule a public hearing.

Councillor Watts requested that staff read the correspondence from the Heritage Trust of Nova Scotia in regard to building heights and provide a response prior to the public hearing.

MOTION PUT AND PASSED.

11.1.8 Case 01231 – Development Agreement – 1595 Barrington Street, Halifax (Discovery Centre)

A report dated April 1, 2011 was before Council.

A copy of the Heritage Advisory Committee report dated April 1, 2011 was before Council.

A copy of the District 12 Planning Advisory Committee report dated March 28, 2011 was before Council.

A staff report dated March 14, 2011 was before Council.

An e-mail dated April 12, 2011 from Janet Morris was before Council.

A letter dated April 11, 2011 from the Heritage Trust of Nova Scotia was before Council.

MOVED by Councillor Uteck, seconded by Councillor Blumenthal that Halifax Regional Council give Notice of Motion to consider the application by 1595 Investments Limited for a development agreement at 1595 Barrington Street, and; schedule a public hearing.

Councillor Watts requested that staff review the correspondence from the Heritage Trust of Nova Scotia in regard to the wind policy and provide a response prior to the public hearing.

MOTION PUT AND PASSED.

11.1.9 Proposed Administrative Order SC-64, Respecting Closure of a Portion of Purcell's Cove Road Right – of –Way, Purcell's Cove

A report dated January 20, 2011 was before Council.

MOVED by Councillor Mosher, seconded by Councillor Adams that Halifax Regional Council close the portion of the Purcell's Cove Road right-of-way, as per HRM Administrative Order SC-64, as shown on Attachment "B" of the January 20, 2011 staff report. MOTION PUT AND PASSED.

12. MOTIONS

12.1 Councillor Sloane

This item was deferred for one week during the approval of the agenda due to the absence of Councillor Sloane.

13. ADDED ITEMS

13.1 Councillor Uteck – Clarification on Solid Waste Communication

MOVED by Councillor Uteck, seconded by Councillor Streach that this item be deferred to Mr. Richard Butts, Chief Administrative Officer, for review and response back to Regional Council. MOTION PUT AND PASSED.

13.2 Councillor McCluskey - Reduce Paper Copies

In response to a concern raised by Councillor McCluskey, the Municipal Clerk's Office is requested to provide a message on First Reading/Notice of Motion reports that the paper copies are to be maintained for upcoming public hearings in order to reduce the quantity of paper required to re-circulate the material.

Council recessed at 3:34 p.m.

Council reconvened at 6:00 p.m. without Councillors Streach and Johns in attendance.

9. PUBLIC HEARINGS

9.1 Case 15790 – Armco Lands, Hines Road, Eastern Passage

The following was before Council:

- A report from the Harbour East Community Council dated March 8, 2011.
- An extract of Regional Council's March 22, 2011 minutes.
- A copy of the presentation dated April 12, 2011.
- A copy of Genivar and Armco Capital's presentation entitled: Hines Road Policy Amendment to Enable Multi-Unit Residential dated April 12, 2011.

- Submissions from Bruce Clarke, Gladys Horne, Susan MacDonald, Dale Wilson, Jason Cooke of Burchells, Dave Phelps Sr., Pat Phelps, Liana Phelps (Tilley), David Phelps Jr., Linda Pellow, June Labrador, Judy LeBlanc, Ryan Tilley and John Dennis.

Mr. Austin French, Manager, Planning Services, provided introductory remarks respecting Case 15790. The following points of clarification were noted:

- should Council choose to make the policy amendments as recommended by staff, the development agreement would go before Harbour East Community Council at a later date; there would be an additional community consultation process and public hearing
- presently there are substantial development rights on the lands; portions of the land are currently zoned for residential and industrial development
- there would be less control on an as-of-right basis than those proposed by the policy amendments
- Halifax Water has confirmed upgrades to the Sewage Treatment Plant; presently awaiting final approval from the Nova Scotia Utility and Review Board; upgrades should take approximately two years to complete and are valued at \$60 million
- the amount of sewage that would be added by this development would not be any more than anticipated under the as-of-right development

Mr. Mitch Dickey, Planner, Community Development, delivered a presentation to Council.

Staff responded to questions of clarification raised by Council respecting the proposed policy change. Highlights were as follows:

- there is an opportunity to access a pedestrian walkway from an existing route to the Trans Canada Trail, rather than accessing off Hines Road
- it is undetermined whether the townhouses will be rental properties or for sale; this will be based on the real estate market for the area
- without the EC zone in place on the full wetlands, a portion of the wetland could be in filled and developed; most of the wetland area is zoned R1, with a smaller portion zoned as industrial
- the sewage treatment facility's present capacity is 38,000 residents, with the upgrades to the facility capacity would increase to 50,000 residents
- the current Land Use policy and zoning would allow extension of Howard Avenue or driveway access to Howard Avenue; the proposed policy precludes any access to Howard Avenue
- the proposed concept plan and policy removes all industrial potential for the entire site
- the proposed policy specifies that the lands would be preserved as conservation lands; ownership of those lands would be reviewed during the Development Agreement stage
- there has been no discussion with respect to extending Tallahassee Avenue to access the industrial lands

- the concept plan indicates 195 units; 60 units in two multi-unit buildings and 74 townhouse units
- the National Building Code requirements would apply; non-combustible construction is applied for buildings over four stories
- the National Building Code and National Fire Code identify building code requirements respecting access, which would be met at the Development Agreement stage; Fire Services has raised no concerns respecting the single access based on the number of units
- presently lands designated under R1 zone could be developed as single family homes; based on the concept plan the lands would accommodate 56 homes; land designated as I1 zone permits almost any commercial use
- the developer is responsible for any costs associated directly with the site
- the developer is responsible to provide a traffic study to identify the impact vehicles from 195 units would have on Hines Road, as well as an analysis of the Hines Road intersection to identify possible changes to the traffic lights

Mayor Kelly invited the proponent to speak at this time.

Mr. Nick Price, Senior Planner with Genivar and representative of Armco Capital, delivered a presentation to Council. Highlights of the presentation included a review of:

- the Provincial Interest Statement on housing
- a graph of the housing mix by community area (Statistics Canada 2006)
- pattern characteristics of the economic long-term servicing costs
- photographs:
 - land development analysis of concept
 - transportation linkages
 - major employment nodes
 - main vehicular traffic route
 - conceptual plan - vision

Councillor Barkhouse requested clarification regarding whether the trails are being considered an adequate walking route by the Developer, as well as the need for sidewalks. Mr. Price confirmed that the trail does promote active transportation as opposed to sidewalks. He clarified that the trail does have destination points and lead to Pleasant Street and through Eastern Passage. He further noted that when this matter reaches the development agreement stage, there will be opportunities to work with the community to potentially address the issue of permanent sidewalks along Hines Road.

Mayor Kelly reviewed the Rules of Procedure for Public Hearings and opened the hearing calling for anyone wishing to speak for or against the matter.

Mr. Gary Tulk and Ms. Elaine Dick, both of Eastern Passage, indicated that they are opposed to the amendments to the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay.

Ms. Jackie Corkum, Eastern Passage, presented photos of Hines Road to the Clerk for the record. She expressed concern with the two public hearings not being advertised within the Beacon community newspaper, which would have been a good way to reach the majority of Eastern Passage and Cow Bay residents. She commented that this is not a site specific agenda and expressed concern with so few residents being aware of the development proposal. She further expressed concern with the lack of infrastructure and noted the importance of a traffic study being completed before the development is approved. Ms. Corkum went on to comment that Hines Road has large volumes of traffic with no sidewalks, narrow shoulders, blind crests and sharp turns. Elementary school children are waiting on the shoulder of the road to catch the school bus. Residents have placed a few boards down for the children to stand on, instead of standing in the ditch or on the road. Residents also supply snow removal for this area, without any cost to HRM's snow removal budget. She questioned where the children would stand if the snow was not removed by the residents. She suggested that an emergency services report should be prepared, outlining how this development and existing population will be covered with respect to police, fire and ambulance services. Crime is up and the community needs more policing. She expressed concern with the local fire department not having the proper equipment to fight a fire on a six story building. Ms. Corkum further asked that the cost of facilities for the area be factored in, such as a recreation facility for the youth. She commented that the community understands the ramifications if the proposal does or does not go through.

Ms. Pat Phelps, Eastern Passage, indicated that two petitions, signed by approximately 90% of residents within the immediate area, were presented during the public information meeting. She expressed concern with the community's concerns not being heard. She echoed similar concerns raised by Ms. Corkum:

- the high density zoning is not site specific
- lack of advertising of meetings to all Eastern Passage and Cow Bay residents
- increased growth to the community and the lack of infrastructure
- unsafe traffic conditions along Hines Road and main roads; concerned for children's safety at bus stop
- the need for an in-depth traffic study
- lack of funding for recreation
- the need for additional policing
- concerned that storm water run off will increase with development; improper management could damage surrounding homes and wetlands; who is responsible for damages
- the sewage treatment facility was built to service 18,000, current services 38,000 residents; the facility is often not in compliance with its operating permit requirements; upgrades to the facility will not solve all the problems
- lack of fire equipment to address fires at proposed building heights
- the proposed housing will negatively impact resident's quality of life and sense of community; there is already a large amount of affordable housing in Eastern Passage
- residents understand the alternatives if the proposal does not go through

- there is a provision within the Municipal Government Act that permits HRM and the developer to work with citizen advisory councils on developments

Mr. Dale Wilson, Eastern Passage, expressed concern with respect to pyritic slate, commenting that Smelt Brook is dead. He indicated that he has been trying since 2004 to receive remediation and raising awareness to both the Province and HRM staff. The response has been that there is no indication that the brook is a migratory stream. He suggested that an environmental assessment be completed in advance of the development agreement. Mr. Wilson further echoed the previous speakers concerns respecting the lack of capital infrastructure being brought into the community by HRM and the continual growth within the community over the past 20 years. Additional comments made were as follows:

- increase to sports and recreational facilities has a direct relationship to crime
- 75% of the community is affected by property crime; children are bored
- the community has no winter facilities within the community and limited recreation facilities; Councillor Barkhouse established an outdoor skating rink this past winter by flooding a tennis court
- the Chronicle Herald only reaches a maximum of 25% of HRM households; the Beacon community newspaper reaches 100% of the community households; the community also has a radio station
- lack of community awareness and the affect of the MPS amendment respecting high-rise buildings

Ms. Louise Poirier, Eastern Passage, expressed concern with the imbalance of industrial and commercial zoning. She provided examples of businesses within the area and expressed the need for additional businesses in Eastern Passage. Mr. Poirier went on to provide examples of the inadequacies of the community's trails and their safety for seniors and other residents. She further indicated that every few years a boundary review is completed and children are relocated to different schools due to the lack of planning. She questioned the amount of growth the schools could handle from the proposed development, as many already have limited space.

Mr. David Phelps Jr., Eastern Passage, expressed concern with HRM staff and the proponent's justification for amending the Municipal Planning Strategy. He commented that once amended, developers will have the ability to develop high-rise buildings throughout the community. He noted that Eastern Passage does not have the infrastructure facilities in place to handle what presently exists and referenced statistical information posted by the Province respecting Eastern Passage's growth. Mr. Phelps Jr. further expressed concern with respect to the sewage treatment facility's inability, even with the upgrades, to service the residential capacity.

Ms. Christine Broaden, Eastern Passage, noted the following points and concerns:

- support towards changing the area back to residential; industrial/residential zoning was forced upon the residents (ie. asphalt plant behind her home)
- concerned with the smell from the asphalt plant and the sewage treatment facility

- the Trans Canada Trail runs horizontal to Howard Avenue and Hines Road; the trail does not lead to a bus stop
- lack of sidewalks along Hines Road and Howard Avenue
- how will HRM prevent residents from shortcutting onto Howard Avenue to avoid traffic lights on Hines Road
- who is responsible to pay for sidewalks; if the development goes in there is a need to have sidewalks
- there is a need for infrastructure; lack of recreational services
- there is a strong sense of community within Eastern Passage
- concern towards Armco Capital as a business; promises made in previous developments that were not kept (ie. green space)
- how will adequate equipment for the fire department be addressed

Mayor Kelly called three times for anyone wishing to speak; there being no further speakers, it was **MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that the public hearing close. MOTION PUT AND PASSED.**

Mayor Kelly called for the applicant to speak at this time.

Ms. Chrystal Fuller, Director of Planning and Development for Armco Capital, indicated that Armco supports and wants to ensure the concerns raised respecting fire, sidewalks, emergency services, traffic and how the wetlands will be protected are addressed. She clarified that Armco has not made any promises during this process other than being open to the direction of Council and the policies put in place. Once policies are in place, negotiations and discussions can be held respecting the development agreement and will be done through a public process. She commented that developments are only successful if people want to live there and it is through public input this is achieved.

Council entered into discussion with staff responding to questions of clarification with respect to:

- policy changes to the MPS amendments
- advertising/notification process of public meetings
- public information sessions and public hearing attendance

Council recessed at 7:41 p.m.

Council reconvened at 7:56 p.m.

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

1. **Refuse the proposed site specific policy amendments to the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay, as outlined in Attachments A and B of the February 15, 2011 staff report.**

2. Refuse the proposed general amendments to the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay as outlined in Attachments C and D of the February 15, 2011 staff report.

Council entered into discussion on the motion.

Councillor Barkhouse encouraged the proponent to meet with the community to address the concerns raised during the meeting. She thanked the residents who spoke and noted that through the comments made and the two signed petitions the message is clear as to how the community feels about this development.

Councillor Walker provided an overview of the funding being spent to upgrade the sewage treatment facility and questioned whether residents are aware of these upgrades. He noted that he would bring this forward to Halifax Water in an attempt to get the message out to residents.

During the ensuing discussion, several members of Council echoed concerns raised respecting:

- school density
- lack of recreational services
- lack of sidewalks
- inadequate fire services equipment
- pedestrian pathways
- collector roads have significant impact in smaller communities

Suggestion was made to installing a roadway through the railway (DND property) instead of going through Hines Road. Staff advised that an approval letter would be required from DND during the development agreement stage to access a roadway through the railway.

Councillor Dalrymple suggested that advertising be done in community newspapers for all further public information meetings and public hearings. Staff advised that this is out of HRM's normal practice; however, the Community Council could make this request.

Staff reiterated that there is an appeal process to the NSUARB in regard to the policy amendments before Council today. Should Council choose to make the policy amendments as recommended by staff the development agreement would go before the Harbour East Community Council. At that time, any decision of the Community Council in regard to the Development Agreement could be appealed to the NSUARB.

Council agreed to split the motion. The motion before Council read as follows:

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

1. Refuse the proposed site specific policy amendments to the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay, as outlined in Attachments A and B of the February 15, 2011 staff report.

A recorded vote was taken.

MOTION PUT AND PASSED.

Those voting in favour were: Mayor Kelly, Councillors Barkhouse, Fisher, Hum, Lund, McCluskey, Nicoll, Outhit and Watts.

Those voting against were: Deputy Mayor Smith, Councillors Adams, Blumenthal, Dalrymple, Harvey, Hendsbee, Walker and Wile.

Councillors Johns, Karsten, Mosher, Rankin, Sloane, Streach and Uteck were absent for the vote.

2. Refuse the proposed general amendments to the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay as outlined in Attachments C and D of the February 15, 2011 staff report.

A recorded vote was taken.

MOTION PUT AND PASSED.

Those voting in favour were Mayor Kelly, Deputy Mayor Smith, Councillors Adams, Barkhouse, Blumenthal, Dalrymple, Fisher, Harvey, Hendsbee, Lund, McCluskey, Nicoll, Outhit and Watts.

Those voting against were: Councillors Hum, Walker and Wile.

Councillors Johns, Karsten, Mosher, Rankin, Sloane, Streach and Uteck were absent for the vote.

14. NOTICE OF MOTION

14.1 Councillor Fisher

Take Notice that at the next Regional Council meeting to be held on April 19, 2011, I am requesting a staff report on any modifications to the public consultation process established by Council in 1997 pertaining to the ways in which we inform the public of upcoming public meetings, Land Use By-Laws (LUB), or Municipal Planning Strategy (MPS) amendments or changes, so as to better utilize additional methods of reaching out to residents in the future.

15. ADJOURNMENT

The meeting adjourned at 9:24 p.m.

Cathy J. Mellett
Municipal Clerk

Information Items
April 12, 2011

1. Memorandum from Directors, Community Development and Infrastructure & Asset Management dated March 1, 2011 re: Municipal Water Service – Gordon R. Snow Recreation Centre, Fall River
2. Memorandum from the Municipal Clerk dated April 8, 2011 re: Requests for Presentation to Council - None