HALIFAX REGIONAL COUNCIL MINUTES

November 20, 2012

PRESENT: Mayor Mike Savage

Deputy Mayor Reg Rankin Councillors: Barry Dalrymple

David Hendsbee Lorelei Nicoll Gloria McCluskey Darren Fisher Waye Mason Jennifer Watts Linda Mosher Stephen Adams

Matt Whitman Brad Johns Steve Craig Tim Outhit

REGRETS: Councillor Russell Walker

STAFF: Mr. Richard Butts, Chief Administrative Officer

Mr. Martin Ward, Municipal Solicitor Ms. Cathy Mellett, Municipal Clerk Ms. Sherryll Murphy, Deputy Clerk

Ms. Jennifer Weagle, Legislative Assistant

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1. INVOCATION

The Mayor called the meeting to order at 1:05 p.m. with the Invocation being led by Councillor Hendsbee.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillors noted a number of community announcements and acknowledgements.

3. APPROVAL OF MINUTES – October 2 (revised) & 30, 2012

MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that the Regional Council revised minutes of October 2, 2012 and October 30, 2012 be approved as presented. MOTION PUT AND PASSED.

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

MOVED by Councillor McCluskey, seconded by Councillor Fisher, that appointments to the Board of Police Commissioners be added to agenda item 10.1.1 "Councillor Appointments to Standing Committees and HRM Boards & Committees of Council". MOTION PUT AND PASSED.

MOVED by Councillor Nicoll, seconded by Councillor Fisher, that the order of business be approved as amended. MOTION PUT AND PASSED.

- 5. BUSINESS ARISING OUT OF THE MINUTES NONE
- 6. MOTIONS OF RECONSIDERATION NONE
- 7. MOTIONS OF RESCISSION NONE
- 8. CONSIDERATION OF DEFERRED BUSINESS October 30, 2012
- 8.1 First Reading Case 17446 Amendments to the Regional Municipal Planning Strategy, Halifax Municipal Planning Strategy, Downtown Halifax Municipal Planning Strategy, and Downtown Halifax Land Use By-Law to Permit a 48 Storey Mixed Use Building at 1591 Granville Street, Halifax

This matter was deferred from the October 30, 2012 session of Regional Council.

A report from the Design Review Committee dated October 16, 2012, with attached staff report dated September 26, 2012 was before Council.

A draft extract of the October 30, 2012 Regional Council minutes was before Council.

Correspondence circulated for the October 30, 2012 session of Regional Council was again before Council, from: United Gulf Developments (dated October 30, 2012), Heritage Trust of Nova Scotia (dated October 28, 2012), Jonathan Lampier, Jack Diamond, Andrei De Souza, Patrick Helliwell, Ryan Nesbitt, Amir Nevo and Shirley Shamash, Stephanie Parker, Andy Fillmore et al (dated October 29, 2012), Paul MacKinnon (dated October 29, 2012), Judy Cookey, Kevin Pope, and Oleg Yefimov.

Correspondence was before Council from: Julie James Post, Roy Keeble, Katherine Kitching, Allan Robertson, Myra Donnelly-Gay, Elizabeth Churchill Snell, Parks Canada, Heritage Trust of Nova Scotia (dated November 6, 2012), Nicholas Gilroy, Angus & Mary McDonald, Margaret-Anne Bennett, Peggy Cameron, Judy Haiven, Alan Ruffman, Gail & Dan Rice, Omar Humayun, Scott Duffett, and Jean Chard.

Correspondence was circulated to Council from: Information package from United Gulf Developments (dated November 20, 2012), Andy Fillmore et al (dated November 13, 2012), Paul MacKinnon (dated November 19, 2012), John Wesley Chisholm, Elizabeth Lambie, Tony Edwards, Stephen Terauds, Ben Sichel, Sandra Selva, Theresa Thomas, Peter Ewert, Dr. Petra Mudie, Cherie & Gary Winters, Suzanne Dansereau, Albert Mills, Patricia Kidd, Beverley Miller, Cathy Driscoll, Peter Dunn, and Magi Abdul-Masih.

MOVED by Councillor Mason, seconded by Councillor Watts, that Halifax Regional Council adopt the Design Review Committee recommendation as outlined in their October 16, 2012 report, to not give First Reading to Case 17446: 1591 Granville Street, Halifax, also known as the Skye project.

Mr. Richard Harvey, Acting Urban Design Project Manager, presented an overview of the staff report. A copy of this presentation is on file.

Councillor Mason noted that this development would require five amendments to HRM planning documents, which were all approved by Council less than six years ago. The Design Review Committee has recommended against the amendments. Councillor Mason commented that HRM by Design was created with input from the community to set out clear and articulate rules and is just starting to see good results. There is a large amount of correspondence urging the refusal. He believes that this development would make it difficult for other properties to develop in the downtown and that Council will have an opportunity to look at the whole of the plan when it comes for review.

Members of Council spoke with respect to the application, with the following points noted:

- This was one of the sites, through the previous "Twisted Sisters" development proposed for this site, that was previously identified to be grandfathered for increased height limitations beyond what is allowed in HRM by Design.
- The view planes from the Citadel ramparts should perhaps be re-evaluated.
- The Design Review Committee is made up of professionals, and they along with much other feedback from the community indicate that this proposal is not for the downtown.

 Allowing this matter to go to public hearing may be interpreted that the plans are open to revision.

Mr. Harvey responded to questions of clarification from members of Council, with the following noted:

- This application is an entirely new proposal, separate from the previous proposal for the site. A discharge of that development agreement will be coming back to Council at a later time.
- The previous proposal for the site would not have met the height requirements of HRM by Design.

At the request of the Mayor, Deputy Mayor Rankin took the Chair and Mayor Savage took a seat with Council.

Mayor Savage commented that the motion to adopt the recommendation of the Design Review Committee to not give First Reading is not about whether HRM needs density and vibrancy in the downtown, nor about design, but about whether Council is committed to the vision of the downtown. HRM has a strong Regional Plan, and a rational process with HRM by Design, which sets out a predictable and reasonable development approval process that allows developers to proceed with confidence. Considering these amendments would remove the clarity and predictability of this process and damage the development of the downtown, as well as the bond of trust that Council has with the citizens of HRM. The community worked hard on the development of HRM by Design, which has won national recognition.

Deputy Mayor Rankin returned to his seat in council, and the Mayor resumed the Chair.

Members of Council continued discussion with respect to the application, with the following points noted:

- Some members would like to hear from the public on this matter, through allowing this to go forward to a public hearing.
- Extensive consultation with the public was held during the development of HRM by Design, and Council should support the policy.
- HRM needs the ability to ensure that construction of developments occur in a timely manner.
- Supporting the motion will provide the stability needed to encourage downtown development.
- Staff resources should be supported in moving forward with important initiatives such as the development of an Affordable Housing strategy.

At the request of Councillor Mason, Mr. Harvey clarified that several sites that were moving through the development agreement process were grandfathered. He further clarified that the Nova Centre is not one of those grandfathered sites; that it has specific provisions within the plan and the by-law for it to be constructed and it would not result in a development agreement.

The motion on the floor was voted on at this time, as follows:

MOVED by Councillor Mason, seconded by Councillor Watts, that Halifax Regional Council adopt the Design Review Committee recommendation as outlined in their October 16, 2012 report, to not give First Reading to Case 17446: 1591 Granville Street, Halifax, also known as the Skye project.

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

Those voting in favour were: Mayor Savage; Deputy Mayor Rankin; and Councillors: Nicoll, Mason, Watts, Mosher, Johns, Craig, and Outhit.

Those voting against were: Councillors: Dalrymple, Hendsbee, McCluskey, Fisher, Adams, and Whitman.

Councillor Walker was not present and there was no incumbent in the seat for District 3.

- 9. CORRESPONDENCE, PETITIONS & DELEGATIONS
- 9.1 Correspondence NONE
- 9.2 Petitions NONE
- 10. REPORTS
- 10.1 CHIEF ADMINISTRATIVE OFFICER
- 10.1.1 Councillor Appointments to Standing Committees and HRM Boards & Committees of Council

A staff report dated November 16, 2012 was before Council.

An Expression of Interest document for members of Council to offer to serve on the Board of Police Commissioners was circulated to Council.

MOVED by Deputy Mayor Rankin, seconded by Councillor Dalrymple, that Halifax Regional Council:

- 1) Appoint the nominated Councillors to the Boards & Committees as outlined in Attachment 1 of the November 16, 2012 report.
- 2) Amend the Terms of Reference of the Purcell's Cove Community Steering Committee to allow Councillors from both District 9 (currently serving) and District 11 (due to boundary alignment) to serve as ex officio members of the Steering Committee until the completion of the project and appoint Councillor Mosher and Councillor Adams to the Committee.

- 3) Appoint Councillor McCluskey and Councillor Mason to the Community Planning & Economic Development Standing Committee for terms to expire no later than June 30, 2013.
- 4) Appoint Deputy Mayor Rankin to the Environment & Sustainability Standing Committee for a term to expire no later than June 30, 2013.
- 5) Appoint Councillors Outhit, Dalrymple, Mason and Walker to the Transportation Standing Committee for a term to expire no later than June 30, 2013.
- 6) Appoint Councillor Whitman to the Appeals Standing Committee and immediately proceed, by nominations from the floor or appointment by the Office of the Mayor, to fill three (3) outstanding vacancies on the Appeals Standing Committee in order to comply with the requirements of Bylaw A-I00 and the HRM Charter.
- 7) Proceed to fill vacancies on the Audit & Finance Standing Committee and Executive Committee by way of secret ballot, for terms to expire no later than June 30, 2013, from the Councillors who have expressed interest in serving on those Standing Committees as outlined in Attachment 2 of the November 16, 2012 report.
- 8) Appoint, by nominations from the floor, to fill three (3) vacancies on the Board of Police Commissioners, from the Councillors who have expressed interest in serving on that Board as outlined in the Expressions of Interest.

The Mayor clarified that the motion would be split, holding a vote on numbers 1 to 5 first, then 6, 7, and 8 separately, to which Council agreed.

Councillor McCluskey indicated that she had intended to express interest in appointment to the Community Design Advisory Committee, and requested that she be added to the appointments for that Committee.

- 1) Appoint the nominated Councillors to the Boards & Committees as outlined in Attachment 1 of the November 16, 2012 report, with the addition of Councillor McCluskey to the Community Design Advisory Committee.
- 2) Amend the Terms of Reference of the Purcell's Cove Community Steering Committee to allow Councillors from both District 9 (currently serving) and District 11 (due to boundary alignment) to serve as ex officio members of the Steering Committee until the completion of the project and appoint Councillor Mosher and Councillor Adams to the Committee.

- 3) Appoint Councillor McCluskey and Councillor Mason to the Community Planning & Economic Development Standing Committee for terms to expire no later than June 30, 2013.
- 4) Appoint Deputy Mayor Rankin to the Environment & Sustainability Standing Committee for a term to expire no later than June 30, 2013.
- 5) Appoint Councillors Outhit, Dalrymple, Mason and Walker to the Transportation Standing Committee for a term to expire no later than June 30, 2013.

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

Those voting in favour were: Mayor Mike Savage; Deputy Mayor Rankin; and Councillors Dalrymple, Hendsbee, Nicoll, McCluskey, Fisher, Mason, Watts, Mosher, Adams, Whitman, Johns, Craig, Outhit.

Councillor Walker was not present and there was no incumbent in the seat for District 3.

Members of Council discussed nominations to the Standing Committees regarding parts 6 and 8 of the main motion.

MOVED by Deputy Mayor Rankin, seconded by Councillor Dalrymple, that Regional Council

- 1. Appoint Councillors Whitman, Craig and Mosher to the Appeals Standing Committee, for terms to expire no later than June 30, 2013, and that the one remaining vacancy be filled by the Office of the Mayor, in order to comply with the requirements of Bylaw A-I00 and the HRM Charter. MOTION PUT AND PASSED.
- 2. Appoint Councillor Nicoll to the Audit & Finance Standing Committee, and appoint Councillors Whitman and Craig to the Executive Standing Committee, for terms to expire no later than June 30, 2013. MOTION PUT AND PASSED.

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

Those voting in favour were: Mayor Mike Savage; Deputy Mayor Rankin; and Councillors Dalrymple, Hendsbee, Nicoll, McCluskey, Fisher, Mason, Watts, Mosher, Adams, Whitman, Johns, Craig, Outhit.

Councillor Walker was not present and there was no incumbent in the seat for District 3.

Members of Council discussed nominations to the Board of Police Commissioners.

MOVED by Councillor Hendsbee, seconded by Councillor Dalrymple, that Regional Council keep one of the three vacancies on the Board of Police

Commissioners open pending the results of the recount for District 3. MOTION PUT AND PASSED. (8 in favour, 7 against)

Those voting in favour were: Mayor Savage; and Councillors Dalrymple, Hendsbee, Nicoll, McCluskey, Fisher, Whitman, and Johns.

Those voting against were: Deputy Mayor Rankin; and Councillors Mason, Watts, Mosher, Adams, Craig, and Outhit.

Councillor Walker was not present and there was no incumbent in the seat for District 3.

MOVED by Deputy Mayor Rankin, seconded by Councillor Dalrymple, that Regional Council appoint Councillors Mosher and Outhit to the Board of Police Commissioners. MOTION PUT AND PASSED. (14 in favour, 1 against)

Those voting in favour were: Mayor Mike Savage; Deputy Mayor Rankin; and Councillors Dalrymple, Hendsbee, Nicoll, McCluskey, Fisher, Mason, Watts, Mosher, Adams, Whitman, Johns, and Craig.

Those voting against were: Councillor Outhit.

Councillor Walker was not present and there was no incumbent in the seat for District 3.

10.1.2 Adjustments to HRM's Polling District Names

Correspondence from Lea Anne McLeod, Diana Whalen, Wendy McDonald, Mary Ann McGrath and B. & L Devanny was before Council.

A report dated November 16, 2012 was circulated to Council.

MOVED by Deputy Mayor Rankin, seconded by Councillor Nicoll, that Halifax Regional Council adopt for use and submit to the Nova Scotia Utility and Review Board (NSUARB) for approval the following name changes to HRM's Polling Districts:

District 2	Preston – Chezzetcook – Eastern Shore
District 6	Harbourview – Burnside – East Dartmouth
District 9	Armdale – Peninsula West
District 10	Halifax – Bedford Basin West
District 11	Spryfield – Sambro Loop – Prospect Road
District 14	Middle/Upper Sackville – Beaver Bank - Lucasville

And that all other Polling District names would remain unchanged from those previously ordered by the NSUARB.

Councillor Watts noted that she would not feel comfortable voting on the name for District 10 without Councillor Walker present. She suggested deferring the name change for District 10, or deferring the whole item.

MOVED by Councillor Watts, seconded by Councillor Outhit, that Regional Council defer the name change of District 10. MOTION DEFEATED. (4 in favour, 11 against)

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

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

Councillor Walker was not present and there was no incumbent in the seat for District 3.

It was clarified that Councillor Walker submitted the proposed name change for District 10.

Councillor Fisher noted that after further consultation with constituents over the weekend, he wishes to remove the name change for District 6 from the motion.

With the agreement of the Mover and Seconder, the name change for District 6 was removed from the main motion.

A vote was taken on the amended motion at this time:

MOVED by Deputy Mayor Rankin, seconded by Councillor Nicoll, that Halifax Regional Council adopt for use and submit to the Nova Scotia Utility and Review Board (NSUARB) for approval the following name changes to HRM's Polling Districts:

District 2	Preston –	Chezzetcook – Eastern Shore
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District 9 Armdale – Peninsula West

District 10 Halifax – Bedford Basin West

District 11 Spryfield – Sambro Loop – Prospect Road

District 14 Middle/Upper Sackville – Beaver Bank - Lucasville

And that all other Polling District names would remain unchanged from those previously ordered by the NSUARB.

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

Those voting in favour were: Mayor Savage; Deputy Mayor Rankin; Councillors: Dalrymple, Hendsbee, Nicoll, McCluskey, Fisher, Mason, Watts, Mosher, Adams, Whitman, Johns, and Craig.

Those voting against were: Councillor Outhit.

Councillor Walker was not present and there was no incumbent in the seat for District 3.

10.2 ENVIRONMENT AND SUSTAINABILITY STANDING COMMITTEE

10.2.1 Heritage Gas Municipal Operating Access Agreement Extension

A report from the Environment and Sustainability Standing Committee dated November 8, 2012 was before Council.

MOVED by Councillor Dalrymple, seconded by Councillor Hendsbee, that Halifax Regional Council approve that the existing Municipal Operating Access Agreement with Heritage Gas Ltd. Be extended for an additional two years, in accordance with Attachment 1 of the staff report dated October 22, 2012.

Councillor McCluskey noted frustration for residents of Lawnsdale Drive, Dartmouth, this summer when natural gas installation construction took four months to complete. Mr. Angus Doyle, Utilities Coordination Manager, responded that he would have to discuss that specific situation with Heritage Gas and get back to the Councillor with a response.

Councillor Watts commented that she wants to support the installation of natural gas for environmental and economic reasons, although dealing with the construction can be very frustrating. She encouraged members of Council to contact Mr. Doyle when there is an issue within their district relating to natural gas installation, to have it looked into.

Councillor Mosher commented that she also had a frustrating summer with natural gas installation issues, noting that the company needs to coordinate better with Transportation & Public Works. Many issues arose such as construction after hours, condition of streets after installation, communication with residents, cleaning of streets and unmarked potholes. Mr. Doyle advised that the Streets By-law provides HRM with the ability to identify projects and how they move forward.

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

Those voting in favour were: Mayor Savage; Deputy Mayor Rankin; Councillors: Dalrymple, Hendsbee, Nicoll, McCluskey, Fisher, Mason, Watts, Adams, Whitman, Johns, Craig, and Outhit.

Those voting against were: Councillor Mosher.

Councillor Walker was not present and there was no incumbent in the seat for District 3.

Deputy Mayor Rankin and Councillor Johns left the meeting at 2:45 p.m.

10.3 SPECIAL EVENTS ADVISORY COMMITTEE

10.3.1 Festival and Events Grant Funding Request – Second Intake

A report from the Special Events Advisory Committee dated October 29, 2012 was before Council.

MOVED by Councillor Dalrymple, seconded by Councillor McCluskey, that Halifax Regional Council approve the 2012/13 Festival & Events second intake grant awards identified in Table 1 totaling \$4,000 funded from the proposed 2012/13 Operating Budget Account No. C760 Community/Civic Events.

Councillor Dalrymple reviewed the festivals and events included in the second intake grant awards.

Ms. Denise Schofield, Manager, Regional Recreation & Culture, responded to questions of clarification from members of Council, noting the following:

- Events are only granted funding post-event if they provide a report on the event.
- There are currently two intake periods, and staff are looking at opportunities for intake throughout the year.
- The events strategy has been approved by Council, however it needs updating and staff are working on that.
- Reserve funds carry forward to the next year.

MOTION PUT AND PASSED. (13 in favour, 0 against)

Those voting in favour were: Mayor Savage and Councillors: Dalrymple, Hendsbee, Nicoll, McCluskey, Fisher, Mason, Watts, Mosher, Adams, Whitman, Craig, and Outhit.

Deputy Mayor Rankin and Councillors Walker and Johns were not present. There was no incumbent in the seat for District 3.

10.3.2 HRM Non-Annual Events Second Intake Report

A staff report dated October 29, 2012 was before Council.

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

- 1. Approve four (4) grant awards from the 2012/13 Non-Annual Events (second intake) as identified in Table 1 of the September 20, 2012 staff report, in the amount of \$154,100;
 - (i) With Bluenose Squash being awarded the amount of \$14,000 provided that the event venue remains the same as presented at the October 26, 2012 Special Events Advisory Committee meeting; and
 - (ii) Approve, in principle, two (2) grant awards for a total of \$17,250 from the 2012/13 Non-Annual Events (second intake) for the 2013/14 events as identified in Table 1 of the September 20, 2012 staff report, to be funded from MLSER-Q315 in 2013/14.

Councillor Dalrymple reviewed the non-annual events included in the second intake grant awards.

At the request of Councillor Watts, staff clarified that they have since recommended the Sea King 50th Anniversary organizers investigate opportunities for provincial and federal funding.

MOTION PUT AND PASSED. (13 in favour, 0 against)

Those voting in favour were: Mayor Savage and Councillors: Dalrymple, Hendsbee, Nicoll, McCluskey, Fisher, Mason, Watts, Mosher, Adams, Whitman, Craig, and Outhit.

Deputy Mayor Rankin and Councillors Walker and Johns were not present. There was no incumbent in the seat for District 3.

11. MOTIONS

11.1 Councillor Hendsbee

MOVED by Councillor Hendsbee, seconded by Councillor Dalrymple, that Halifax Regional Council request a staff report for the acquisition of a strategic parcel of land in Porter's Lake for the purpose of securing the property for public use parkland.

Councillor Hendsbee clarified that the Clerk's Office has the information on the subject parcel of land in Porter's Lake, and he has showed the land to members of Council. He cannot name the specific parcel of land for confidentiality reasons.

MOTION PUT AND PASSED. (13 in favour, 0 against)

Those voting in favour were: Mayor Savage and Councillors: Dalrymple, Hendsbee, Nicoll, McCluskey, Fisher, Mason, Watts, Mosher, Adams, Whitman, Craig, and Outhit.

Deputy Mayor Rankin and Councillors Walker and Johns were not present. There was no incumbent in the seat for District 3.

12. NOTICES OF MOTION - NONE

13. IN CAMERA

No In Camera session was held.

13.1 In Camera Minutes – October 30, 2012

MOVED by Councillor McCluskey, seconded by Councillor Adams, that the In Camera minutes of October 30, 2012 be approved as circulated. MOTION PUT AND PASSED.

14. ADDED ITEMS - NONE

15. ADJOURNMENT

14

The meeting was adjourned at 3:00 p.m.

Cathy J. Mellett Municipal Clerk

INFORMATION ITEMS November 20, 2012

- 1. Memorandum from Acting Director, Legal Services & Risk Management dated October 23, 2012 re: Status of By-Law Prosecutions, May 1-31 2012
- 2. Memorandum from Director, Finance & Information Technology dated October 1, 2012 re: Award of Contracts CAO Approval
- 3. Memorandum from Director, Finance & Information Technology dated October 29, 2012 re: Minimum Reserve Bid Tax Sale October 2, 2012
- 4. Memorandum from the Municipal Clerk dated November 13, 2012 re: Requests for Presentation to Council None