

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL COMMITTEE OF THE WHOLE MINUTES June 11, 2002

PRESENT:

Mayor Peter Kelly
Deputy Mayor Robert Harvey
Councillors: Gary Hines
Ron Cooper
Harry McInroy (1:20 p.m.)
Brian Warshick (1:35 p.m.)
Condo Sarto
Bruce Hetherington
John Cunningham
Jerry Blumenthal
Dawn Sloane
Sue Uteck (1:55 p.m.)
Sheila Fougere
Russell Walker
Diana Whalen
Linda Mosher (1:30 p.m.)
Brad Johns
Len Goucher
Reg Rankin
Gary Meade

ABSENT:

Councillors: Steve Streach (regrets)
Keith Colwell (regrets)
Jim Smith
Stephen Adams

STAFF:

Mr. George McLellan, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Julia Horncastle, Assistant Municipal Clerk

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The meeting was called to order at 1:00 p.m

1. APPROVAL OF THE MINUTES OF MAY 14 & 21, 2002

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal, that the minutes of May 14 and 21, 2002 be approved. **MOTION PUT AND PASSED UNANIMOUSLY.**

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

MOVED by Councillor Blumenthal, seconded by Councillor Sloane, that two representatives of the development industry be permitted to address Council. **MOTION PUT AND PASSED UNANIMOUSLY.**

3. CAPITAL COST CONTRIBUTIONS AND

4. BEDFORD SOUTH/WENTWORTH ESTATES MPS AMENDMENTS

Mr. Paul Dunphy, Director of Planning and Development Services, Mr. Peter Duncan, Senior Development Engineer and Mr. Paul Morgan, Planner, with the aid of a PowerPoint presentation, presented the proposal to Council, outlining the following:

- Projects;
 - Capital Cost Contribution policy for Region;
 - Master Plan and MPS amendments for Wentworth Estates and Bedford South area;
 - Recovery of infrastructure cost sharing investment in Royale Hemlocks;
 - Request to initiate plan amendment process for Bedford West and Peerless Subdivision
- Background;
- Principles;
- Outline;
- Schedule and Approach;
- Capital Cost Charges;
- Where we are today;
 - Developer builds systems in new developments;
 - Municipality generally builds regional infrastructure.
- Where we want to be;
 - Avoid unexpected Municipal expenditures to fix problems;
 - Recover expenditures to fund up-front solutions;
 - Region-wide Policy
- Industry Issues - Affordability;
- Master Planning Goals and Objectives;

- Financial Objectives;
- Status of the Wentworth/Bedford South development;
- Implementation Issues;
- Implementation Issues - Specific Projects.

Councillor Goucher asked what would happen with the Paper Mill area. Mr. Dunphy advised that if the agreement is silent, it does not commit to an agreement on expenditures by both parties. He noted development agreements have a clause which states that the developer is subject to any regulations the Municipality adopts which may change from time to time. From time to time in this case would be the adoption of the Capital Cost Charge Policy and Regulations. He stated when staff comes back to Council with the charge area for Wentworth Estates/Bedford South they will know that that charge is going to extend beyond those properties and may include portions of Paper Mill. If it does include portions of Paper Mill and they are creating or getting benefit from some of the oversizing on the collector road or the interchange, then it would be recommended to Council that subdivision in that area be subject to the Capital Cost Charge.

In response to Councillor Mosher, Mr. Dunphy stated it will depend on a case by case basis. HRM cannot make a blanket statement that they will all be subject to the charge. If there is oversizing and it is oversizing within the immediate area, and e that development is attributed to the infrastructure that has been put in in that immediate area, then we can collect whether it is an as-of-right or development agreement developed subdivision.

In response to Councillor Cooper, Mr. Austin French advised the policy is coming forward to Council to set a public hearing date for July 2nd. He advised the policies are the framework policies. They have not been specifically geared to the Wentworth/Bedford South project; however, staff felt it was important to work through the project to a certain point so that the framework policies could be tested to determine whether they were relevant and workable.

In response to Councillor Cooper, Mr. Dunphy advised this is only talking about collecting for those areas that have not subdivided yet. If they have subdivided, HRM cannot collect retroactively.

Councillors Sarto and Uteck Uteck cautioned that if HRM does not have solid criteria on which to judge what the infrastructure charges would be, there may be a problem. Mr. Dunphy advised that in addition to amendments to the Planning Strategies, which would be setting out the principles of equity and charging those who create the demand, staff has worked closely with industry in developing a best practices manual which will be a policy manual explaining how HRM does the calculations and how recommendations are made to Council.

In response to Councillor Cooper, Mr. Dunphy advised Regional Council is the only body

that can set a charge area as a Community Council cannot commit the Municipality to expenditures. The Councillor noted this will be dealing with areas that are going to be under development for approximately twenty five years, and not to have the ability to come back and make adjustments to everyone affected, is putting the rest of the Municipality and taxpayers at risk. The Councillor stated there needs to be a better explanation of exactly how this is going to work. He stated he is not comfortable with this as how it affects adjacent areas has not been adequately looked at, and staff has to ask the question whether some other developers are being put at a disadvantage. The Councillor stated we need to ensure there is an avenue where this can be reviewed in a time frame so that the charges can be reassigned as necessary. There is not an adequate base on which to run without knowing all the specifics out of this proposed agreement and the policy book.

Councillor Blumenthal stated we are being asked to look at a policy and yet Community Council gave away the store. He questioned why if a policy was being set up with principles that were supposed to be set up how one Community Council could give it away.

Council agreed to hear from two representatives of the development industry at this point.

Mr. Mike Laycock, Annapolis Group Inc, reading from prepared text noted the following:

- Concerned with the way planning is being conducted for the Bedford South/Wentworth Estates area;
- Any decision by Council to advance the process for that area would be premature and unfairly prejudice Annapolis' position;
- The process to bring forward the report is inappropriate and unfair and could negatively impact on Annapolis' long standing attempts to develop the Bedford West lands;
- Bedford's MPS Policies R2 and R2A have been circumvented and failure to comply with these policies to expand Bedford's residential development boundary cannot be done in isolation;
- Annapolis lands have been all but ignored and staff have seemingly dealt with Bedford South/Wentworth Estates lands exclusively, using selective data from SGE Group report unilaterally ignoring the obvious merits and benefits of Annapolis Bedford West lands;
- The current MPS policies have not been followed throughout the process;
- Council is urged to defer any decision on advancing this process further for Bedford South/Wentworth Estates until Council can be fully apprised of damages their company and the residents of HRM will suffer as a result of not following existing policy.

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal, that the staff report be requested regarding the submissions. MOTION PUT AND PASSED UNANIMOUSLY.

Mr. Kevin Riles, United Golf Developments Limited, made a presentation to Council noting the following;

- The process is rushed;
- Concerned that they have just received the SGE report last week and have never had any discussions with either HRM staff or SGE;
- The SGE report provides for potential Capital Cost Contributions in relation to the traffic issue at the interchange on Wentworth Estates lands;
- Concerned as they have a 1995 development agreement currently regarding Paper Mill Lakes and as part of that development agreement ongoing discussions, there is a collector road that will cost approximately \$8 million for that Paper Mill Lake area, and they are currently looking at the impact of this;
- Concerned finding out about this this late in the process and not having had opportunity to discuss this with HRM staff.

Mayor Kelly thanked staff and the presenters for their presentations.

5. ADJOURNMENT

The meeting was adjourned at 2:55 p.m.

Vi Carmichael
Municipal Clerk