

HALIFAX REGIONAL COUNCIL
MINUTES

May 28, 2013

PRESENT:

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

REGRETS:

Councillors: Linda Mosher
Brad Johns

STAFF:

Mr. Richard Butts, Chief Administrative Officer
Mr. Martin Ward, Municipal Solicitor
Ms. Sherryll Murphy, Deputy Clerk
Ms. Sheilagh Edmonds, Legislative Assistant
Mr. Ted Aubut, Legislative Assistant

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1. INVOCATION

The Mayor called the meeting to order at 2:00 p.m. with the Invocation being led by Councillor Nicoll.

On behalf of Regional Council, Councillor Walker read a proclamation that May 28, 2013 was Halifax Moosehead's Day in the Halifax Regional Municipality.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillors noted a number of community announcements and acknowledgements.

Councillor Adams advised that last Tuesday a resident of HRM, Chris Boyle, lost his life as a result of an industrial accident. He explained that Chris was a graduate of J.L. Illsley High School and served with the Harrietsfield-Sambro Fire Department for the past 23 years and, at the time of his passing he was Deputy Chief. Councillor Adams advised that Chris leaves behind his wife and two young girls, as well as his parents and brother. Councillor Adams requested Mayor Savage forward a letter of condolence to the family of Chris Boyle, and to also send a letter of condolence to Chief Dave Raymer, Chief of the Harrietsfield-Sambro Fire Department.

At the request of Councillor Adams, Mayor Savage and Council rose for a moment of silence in memory of Chris Boyle.

3. APPROVAL OF MINUTES – April 30, 2013 and May 7, 2013

MOVED by Councillor McCluskey, seconded by Councillor Nicoll that the minutes of April 30, 2013 and May 7, 2013 be approved. MOTION PUT AND PASSED.

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

Additions:

- 14.1 Halifax and West Community Council - Case 17195: Municipal Planning Strategy/Land Use By-law Amendments and Development Agreement for 6112 Quinpool Road, Halifax.
- 14.2 Request for Flypast - Cole Harbour Harvest Festival

Mayor Savage advised that there was a suggestion to **move up the Auditor General's report (Item 11.2.1)** on the agenda to be dealt with as the first order of business. He questioned if there was consensus to do so, to which **it was agreed.**

MOVED by Councillor Nicoll seconded by Councillor Mason 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 17000: Amendments to Downtown Halifax Secondary Municipal Planning Strategy and land Use By-Law – Barrington Street South Precinct

(i) Design Review Committee Report

This matter was dealt with later in the meeting. See page 12.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence- NONE

10.2 Petitions:

10.2.1 Councillor Hendsbee

Councillor Hendsbee submitted a petition containing 50 signatures of residents of Porters Lake, Lake Echo, and East Preston requesting more reliable Metro Transit bus service from the #401 bus route and better hours of operation. In addition, the petition requests weekend bus service for the communities of Porters Lake, Lake Echo, East Preston and a Park and Ride location both in Porters Lake and Lake Echo.

10.2.2 Municipal Clerk

Ms. Sherrill Murphy, Deputy Clerk submitted a petition containing 86 signatures requesting Halifax Regional Council not approve increases in the height limits around Cornwallis Park from 35 and 45 feet to 72 feet. The Deputy Clerk noted that this matter was on the agenda for public hearing this evening.

10.2.3 Councillor Karsten

Councillor Karsten submitted a petition containing 335 signatures in regard to the crosswalk at 1478 Main Road, in front of the Canada Post Building. The petition

requests that the crosswalk have more safety mechanisms, such as a button that would light-up the sign before crossing.

11.2 AUDITOR GENERAL

11.2.1 Annual Report for Period Ending March 31, 2013

The *Office of the Auditor General Annual Report Period Ended March 31, 2013* was submitted.

Mr. Larry Munroe, FCA, Auditor General addressed Council and provided a presentation giving an overview of his Annual Report. In his remarks he began by highlighting the sections of the HRM Charter which detail the responsibilities of the Auditor General. He reviewed the role and communication between the Office of the Auditor General, the Audit and Finance Standing Committee, and Regional Council. Mr. Munro outlined the seven active projects his office was currently working on, and noted that, to date, the Office of the Auditor General has completed 20 reports, all published online and have received wide acceptance. In total, Mr. Munro advised that his office has provided 344 recommendations since commencement of projects on April 1, 2010. In closing, Mr. Munroe introduced the staff members of the Office of the Auditor General, and expressed his appreciation to the Administration, and the Audit and Finance Standing Committee for their support and assistance in carrying out the mandate of the Office.

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Award – Unit Price Tender No. 13-204, Street Reconstruction – Gourok Avenue – East Region

A staff report dated May 1, 2013 was submitted.

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

- 1. Approve a budget increase of \$94,158.84 (net HST included) to Project Account No. CYX01345 – Street Recapitalization, funded through cost sharing with Halifax Water; and**
- 2. Award Tender No. 13-204, Street Reconstruction, Gourok Avenue – East Region, to the lowest bidder meeting specifications, Cumberland Paving and Contracting Limited for a Total Tender Price of \$597,462.01 (Net HST included) with funding from Project Account No. CYX01345 – Street Recapitalization, as outlined in the Financial Implications section of the May 1, 2013 staff report.**

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

Councillors Mosher and Johns were not present for the vote.

11.1.2 Award – Unit Price Tender No. 13-236, Paving, Sidewalk and Water Main Renewal – Gaston Road – East Region

A staff report dated May 1, 2013 was submitted.

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

- 1. Approve a budget increase of \$749,736.98 (net HST included) to Project Account No. CYX01345 – Street Recapitalization, funded through cost sharing with Halifax Water and Heritage Gas; and**
- 2. Award Tender No. 13-236, Paving, Sidewalk and Water Main Renewal, Gaston Road – East Region, to the lowest bidder meeting specifications, Sackville Trenching Limited for a Total Tender Price of \$1,455,984.30 (net HST included) with funding from Project Account Nos. CKY01345 – Street Recapitalization and CKU01084 – Sidewalk Renewals, as outlined in the Financial Implications section of the May 1, 2013 staff report.**

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

Councillors Mosher and Johns were not present for the vote.

11.1.3 Award – Unit Price Tender No. 13-215, Road Widening – Hammonds Plains Road – West Region

A staff report dated May 2, 2013 was submitted.

MOVED by Councillor Whitman, seconded by Councillor Outhit that Halifax Regional Council award Tender No. 13-215, Road Widening – Hammonds Plains Road – West Region, to the lowest bidder meeting specifications, Cumberland Paving and Contracting Limited for a Total Tender Price of \$584,799.39 (net HST included) with funding from Project Account No. CYX01345 – Street Recapitalization, as outlined in the Financial Implications section of the May 2, 2013 staff report.

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

Councillors Mosher and Johns were not present for the vote.

11.2 AUDITOR GENERAL

11.2.1 Annual Report for Period Ending March 31, 2013

This item was dealt with earlier in the meeting. See page 6.

11.3 AUDIT AND FINANCE STANDING COMMITTEE

11.3.1 LED Streetlight Conversion Reserve Q327

A report dated May 15, 2013 was submitted from the Chair of the Audit and Finance Standing Committee.

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

- 1. Approve the establishment of the LED Street Light Conversion Reserve (Q327), as per the Reserve Business Case attachment, dated April 1, 2013 to the attached staff report dated May 9, 2013;**
- 2. Approve the strategy to reallocate operational savings realized from energy and maintenance efficiencies due to LED street light technology conversion into the LED Street Light Conversion Reserve (Q327) including issuing debt outside the HRM debt targets; and**
- 3. Approve the recovery of accumulated LED Street Light Conversion Reserve (Q327) savings to fund the capital investment required to purchase NSPI stranded assets within HRM and convert all HRM street lights to LED technology.**

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

Councillors Mosher and Johns were not present for the vote.

11.3.2 Amendment to Changes to Cost Sharing for Capital Projects Policy

A report dated May 15, 2013 was submitted from the Chair of the Audit and Finance Standing Committee.

MOVED by Councillor Karsten, seconded by Councillor Nicoll that Halifax Regional Council adopt as policy the amendment to the “Changes to Cost Sharing for Capital Projects Policy” as outlined in Attachment “A” of the attached staff report, dated March 15, 2013.

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

Councillors Mosher and Johns were not present for the vote.

11.3.3 Award – Tender No. 13-100, EMP MiniHybrid Kits

A report dated May 15, 2013 was submitted from the Chair of the Audit and Finance Standing Committee.

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

- 1. Approve an increase to CM020006 Emission Reduction – Public Transit Buses, by \$130,331.43 (net HST included), with funding from Sustainable Communities Reserve (Q127); and**
- 2. Approve Award Tender No. 13-100, EMP MiniHybrid Kits, to the lowest bidder meeting specifications, Cummins Eastern Canada, for a Total Tender Price of \$130,331.43 (net HST included), with funding from CM020006 Emission Reduction – Public Transit Buses, as outlined in the Financial Implications section of the May 9, 2013 staff report.**

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

Councillors Mosher and Johns were not present for the vote.

11.4 ENVIRONMENT AND SUSTAINABILITY STANDING COMMITTEE

11.4.1 HRM LED Streetlight Conversion Project

A report dated May 9, 2013 was submitted from the Chair of the Environment and Sustainability Standing Committee.

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

- 1. Purchase all Nova Scotia Power owned outdoor lights directly servicing the Municipality, using a stranded asset valuation approved by the Nova Scotia Utility and Review Board;**
- 2. Direct staff to communicate to the Nova Scotia Department of Energy the implementation plan and solicitation strategy before June 30, 2013; and**
- 3. Direct staff to initiate the procurement process and solicitation strategy required to assess and award contracts for the optimal service delivery model.**

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

Councillors Mosher and Johns were not present for the vote.

11.5 GRANTS COMMITTEE

11.5.1 Addendum to By-Law T-229 Respecting Tax Exemptions for Non-Profit Organizations: Appeals 2012-2013

A report dated May 8, 2013 was submitted from the Chair of the Grants Committee.

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

- 1. Uphold their approval of increase in exemption level for the Society of St. Vincent DePaul, 438 and 440 Herring Cove Road, Halifax, as recommended under By-law T-229;**
- 2. Defer request for an increase in exemption level from Dartmouth Adult Services Centre; Canoe-Kayak Canada; the Deanery Project Cooperative; Musquodoboit Harbour Lions Club; the Kinsman Club of Dartmouth; Canadian Blood Services; and the Village Green Recreation Association to the 2013-2014 tax exemption program and pursuant to section 89 (6) of the HRM Charter.**
- 3. Request staff to prepare a report on the cost implications and budget impact of having the Tax Exemption program for Non-Profit Organizations, indexed to meet the annual property assessment adjustments.**

In response to a question, Councillor Walker clarified that this upcoming year the Committee plans to hear the requests earlier than in previous years--expected to be in the fall--so that if there are any appeals, the appeals could then be heard within the same tax year. He noted that, previously, appeals would happen so late in the year, they would miss the current tax year, and the Committee did not have the authority to deal with appeals from a previous tax year.

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

Councillors Mosher and Johns were not present for the vote.

12. MOTIONS- NONE

13. IN CAMERA

13.1 In Camera Minutes – May 7, 2013

MOVED by Councillor Karsten, seconded by Councillor Watts that the In Camera Minutes of May 7, 2013 be approved. MOTION PUT AND PASSED.

14. ADDED ITEMS

14.1 Halifax and West Community Council - Case 17195: Municipal Planning Strategy/Land Use By-law Amendments and Development Agreement for 6112 Quinpool Road, Halifax.

A report dated May 15, 2013 was submitted from the Vice Chair of the Halifax and West Community Council. Attached was a staff report dated April 22, 2013.

MOVED by Councillor Mason, seconded by Councillor Fisher that Regional Council give First Reading to consider the proposed amendment to the Halifax Municipal Planning Strategy (MPS) and the Halifax Peninsula Land Use By-Law (LUB) as set out in Attachments A and B of the April 22, 2013 staff report and schedule a joint public hearing with Halifax and West Community Council.

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

Councillors Mosher and Johns were not present for the vote.

14.2 Request for Flypast - Cole Harbour Harvest Festival

A letter received in the Municipal Clerk's Office May 22, 2013 was submitted from Karen Gibson, Chair, Cole Harbour Harvest Festival Society.

MOVED by Councillor Nicoll, seconded by Councillor McCluskey that Halifax Regional Council grant permission for a flypast of an aircraft or helicopter from 12 Wing Shearwater to coincide with the opening of the Cole Harbour Harvest Festival at 10:00 a.m. on September 7, 2013.

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

Councillors Mosher and Johns were not present for the vote.

15. NOTICES OF MOTION

15.1 Councillor Adams

Councillor Adams gave notice that, at the next regular meeting of the Halifax Regional Council, to be held Tuesday, June 11, 2013, he intends to move a motion requesting staff prepare a report out-lining the costs and logistics to provide weekly green bin pick-up for all residents of HRM in July and August; and that funding from the existing budgetary surplus from 2012-13 be considered as a possible funding option.

15.2 Councillor Whitman

Councillor Whitman gave notice that, at the next regular Regional Council meeting, to be held on Tuesday, the 11th of June 2013, he proposes to move a motion to request a staff report to review and consider the implementation of a reversing lane on the Bedford Highway from the Kearney Lake Road to Halifax during the morning and evening rush hour traffic.

The meeting recessed at 3:35 p.m.

Regional Council reconvened at 6:00 pm, with the Deputy Mayor assuming the Chair.

Councillor Dalrymple was not present.

9. Public Hearings

9.1 Case 17000: Amendments to Downtown Halifax Secondary Municipal Planning Strategy & Land Use By-law – Barrington Street South Precinct

The following were before Regional Council:

- A staff report dated April 9, 2013
- A staff report dated February 15, 2013
- Minute extracts from Regional Council meeting of April 30, 2013
- Correspondence from:
 - o Alan Ruffman dated May 21, 2013
 - o Blair Beed dated May 23, 2013
 - o Heritage Trust of Nova Scotia dated May 23, 2013
 - o Jean Chard dated May 24, 2013
 - o Peggy Cameron dated May 24, 2013
 - o Judy Haiven dated May 24, 2013
 - o Denault Blouin dated May 27, 2013
 - o Philip Pacey with response from staff dated May 27, 2013
 - o A.E. Edwards dated May 27, 2013
 - o Jay Underwood dated May 27, 2013
 - o William B. Hockey dated May 28, 2013
 - o Elizabeth Burke dated May 27, 2013
 - o Bill & Margaret Jordan dated May 28, 2013

The Deputy Mayor reviewed the rules for public hearings before inviting staff to make a presentation on Case 17000.

Mr. Luc Ouellet, Senior Planner, Planning & Infrastructure, explained that Case 17000 is an application to amend the Downtown Halifax Secondary Municipal Planning Strategy (MPS) and the Downtown Halifax Land Use By-law (LUB) to increase the maximum allowable height of 5161-5175 South Street, 1161-1203 Hollis Street, and 1075-1145

Barrington Street to 22 metres. Currently these properties are limited to 10.668 metres or 13.716 metres.

Mr. Ouellet reminded Council that the Downtown Halifax Secondary MPS and LUB had been adopted in June 2009. Leading up to its adoption, staff and the Urban Design Task Force had recommended that the area around Cornwallis Park have a maximum height of 22 metres. Council, however, opted to retain the pre-2009 heights because of the size of existing buildings and because the Barrington Street South Precinct had been identified as a candidate heritage conservation district.

Since that time, a number of buildings at the corner of South and Hollis streets were destroyed in a fire and subsequently demolished. The owner of this vacant lot has purchased the abutting building, 5173-5175 South Street and plans to demolish it to redevelop the entire corner. It is for this reason that the issue of height is before Council.

Mr. Ouellet noted that current allowable heights in the precinct are inconsistent with planning documents. Both the Downtown Halifax Secondary MPS and the Design Manual call for greater height around Cornwallis Park. Moreover, the height calculation methodology for the precinct differs from that which is used in the rest of downtown:

- In the Barrington South Precinct, height is calculated based on a final floor measurement. This often results in an additional storey being added, pushing the building above the maximum height.
- In the rest of downtown, height is calculated from the average grade to the top of the building. Staff believe this approach is clearer than the first.

Mr. Ouellet then described nearby buildings of interest, such as:

- The Westin Nova Scotian Hotel, which has eleven (11) storeys and is roughly twice the height of what is being considered for the subject property.
- The federally-owned Via Rail train station, which is three (3) storeys and has a level of heritage protection.
- The Atlantic Superstore property, which consists of a grocery store, a gas bar and a large parking lot.

In closing, Mr. Ouellet noted that the proposed amendments to the downtown MPS and LUB are (1) in keeping with staff's recommendation of 2009, (2) in keeping with the rest of downtown, and (3) will not affect the viability of a heritage district for the South Barrington area. On these grounds, he recommended that they be approved by Council.

The Deputy Mayor thanked Mr. Ouellet for his presentation and asked members of Council if they had questions of clarification.

Councillor Watts asked staff to clarify the maximum height being proposed for the site, and whether it could be reduced in the future if it proves inconsistent with the heritage conservation district.

Mr. Ouellet Luc replied that the proposed maximum height being is 22 metres (7 storeys). If, in the future, Council wishes to change this, then it can do so by amending the Land Use By-law.

Councillor Mason wished to know if the maximum height being proposed would apply to the entire precinct or simply the vacant lot. He also wished to know if the abutting property, which houses the Taj Mahal restaurant, is a registered heritage property.

Mr. Ouellet indicated that the 22 metre height restriction would be for the entire precinct and that the Taj Mahal building is a not a registered heritage property.

Councillor Watts asked staff to clarify which properties would be affected.

Mr. Ouellet indicated that his study looked at five (5) parcels, one (1) of which is the Taj Mahal building.

There being no further questions, the Deputy Mayor invited residents for or against the proposal to the microphone.

Ms. Beverly Miller of South Street urged Council to respect the recommendation of the Design Review Committee, namely to delay deliberation on this matter until the South Barrington Street Heritage Conservation District is complete and approved. She noted that heritage conservation is good for the economy: it supports the construction industry and boosts tourism, as visitors want to see and experience unique streetscapes. She believed this to be one of the reasons why Newfoundland has been successful in increasing tourism by 20% since 2006. She hoped that HRM would make heritage conservation a priority for its cultural, social and economic benefits. As for density, she acknowledged its importance, but noted that the precinct in question is already dense.

Ms. Linda Forbes, President of the Heritage Trust of Nova Scotia described the characteristics of the area in question, noting that it is a tourist gateway to the city and is home to significant buildings of early British architecture. Buildings, like these ones, define Halifax, and distinguish it from others. She was concerned that increased height restrictions were out of scale with existing buildings and would put more pressure on a zone that HRM wants to protect. She also expressed concern that the amendments could result in the construction of a large building in front of the historic train station.

Ms. Elizabeth Pacey of Yukon Street noted that 10 years ago, the Heritage Trust asked HRM to establish 10 heritage conservation districts. Currently, there is one (1), which is far fewer than what comparable Canadian cities have. She explained that there are 40 registered heritage buildings in and around the Barrington South Precinct, including a group of Scottish townhouses on Morris Street. She was concerned that the addition of higher buildings to the area would provide incentive to demolish lower scale buildings, resulting in lower property values and lost heritage. She reminded Council that HRM had promised to establish a South Barrington Heritage Conservation District. She asked that they honour this commitment before proceeding with Case 17000.

Mr. Tony Metlej, owner of the corner lot at South and Hollis streets, explained that he had not purchased the subject lot with the intention of redeveloping it. However, following extensive fire damage, he had to demolish the buildings in 2010. Since that time, inconsistencies in the downtown plan have forced him to put his project on hold. He asked Council to vote in favour of the proposed amendments so he could proceed.

Mr. Elias Metlej, lawyer for the property owner, indicated that the proposed amendments bring consistency to the downtown, which is what HRM by Design is all about. He described the unique features of the property, noting that it is a gateway, on a corner, and across from a park. Current inconsistencies in the downtown plan do not allow him to design a landmark building for a landmark site. Given this, he believed that maintaining the status quo in the Barrington South Precinct was a mistake - and contrary to downtown plans, which call for a strong edge along Cornwallis Park. Plan inconsistencies, he added, will not even allow him to rebuild, in the same size, the buildings that were lost in the fire. He recognized that there are many heritage buildings in the area and felt that proper development will complement, not undermine, their integrity.

Mr. Graeme Duffus of Coburg Road spoke with great affection for the area, having lived there for many years. He indicated that, at one time, the neighbourhood was decrepit but thanks to the hard work and investments of residents, the area has been transformed.

Mr. Duffus explained that when the Joseph Howe Building was constructed on Hollis Street, it cast a large shadow over Province House. He was concerned that an increase in height in the Barrington South Precinct would have the same result – that the redevelopment would cast a shadow over a portion of Cornwallis Park. He also expressed concern over the loss of the Taj Mahal building for which many Haligonians have fond memories. He asked that Council proceed with the heritage conservation district before it rules on this matter.

Dr. Petra Mudie of Lower Water Street indicated that she had attended the Public Information Meeting of March 22, 2012 at which she had noted her objections to the proposed amendments. She wanted Council to know that her opinion had not changed.

Dr. Judy Haiven of Morris Street asked that Council side with the Design Review Committee's recommendation and not amend building heights until HRM is further along with the South Barrington Street Heritage Conservation District. To proceed otherwise would set a bad precedent for other communities interested in getting heritage conservation status, like Schmidville.

Mr. Phil Pacey of the Heritage Trust of Nova Scotia asked that Council retain present height limits around Cornwallis Park until the conservation district is adopted. The heritage district was promised first and should be adopted first.

He noted that the Old South Suburb is one of the oldest neighbourhoods in Canada, with many of its buildings featured in the Heritage Trust's first publication in 1967. If properly managed, he believed that the future Barrington South Heritage District could increase property values and create more construction jobs than new construction. He was concerned that increasing heights to 22 metres would provide property owners with the incentive to (1) demolish smaller buildings, like the Taj Mahal, a candidate heritage building, and (2) build in front of the train station. He submitted a photo to the Clerk depicting a seven (7) storey building next to the three (3) storey train station, and a seven (7) storey building next to the two and a half (2 ½) storey Annand House.

Ms. Janet Morris of Dresden Row noted that her love of heritage buildings is a result of living in the area in question. She believed that densification and heritage conservation are compatible, so long as there is height consistency. It is difficult for smaller buildings to compete with newer and larger buildings. She asked that HRM keep a level playing field and more widely promote the Heritage Incentives Program, which funds the restoration of heritage buildings.

The Deputy Mayor called three times for any additional speakers. There being none, the following motion was put on the floor:

MOVED by Councillor McCluskey seconded by Councillor Karsten that the hearing be closed. MOTION PUT AND PASSED.

Councillor Watts asked staff a number of questions relative to the design guidelines, the developer's proposal for the site, and previous decisions of Council and the Design Review Committee. To these, Mr. Ouellet noted the following:

- The proposed amendments do not affect the design guidelines.
- Current height rules in the Barrington South Precinct prohibit the developer from developing seven (7) storeys.
- In 2009, Council opted to maintain existing height restrictions.
- The Design Review Committee is recommending that the height restrictions be maintained while HRM undertakes the heritage conservation district study.

Councillor Mason asked staff to comment on building setbacks in the Barrington South Precinct.

Mr. Ouellet replied that front yard setbacks, including for the Westin Hotel and the train station, must be four (4) metres. He believed that setbacks for the Superstore property were smaller.

MOVED by Councillor Mason, seconded by Councillor Fisher that Halifax Regional Council approve the proposed amendments to the Downtown Halifax Secondary Municipal Planning Strategy and the Downtown Halifax Land Use By-Law, as contained in Attachments A and B of the February 15, 2013, staff report.

Councillor Mason provided an overview of the matter, noting that the site in question must adhere to all HRM by Design policies as well as to the height restrictions unique to the Barrington South Precinct. He explained that the train station is protected by federal legislation, and if sold, would be registered as a municipal heritage property. As for the Taj Mahal building, he believed that it had been partially damaged in the fire and may be demolished as part of the block's redevelopment. He clarified that the proposed site does not include the apartment building on the corner of South and Barrington Streets. Councillor Mason noted that he is supportive of the Heritage Conservation District and has requested that staff proceed quickly. However, given the size of Cornwallis and the width of the streets that surround it, he believed the area could accommodate a building of 22 metres.

Councillor Watts reminded Councillors that members of the Design Review Committee, which are selected on the basis of their expertise, have asked Council to wait until the Heritage Conservation District has been established.

Councillor Mason asked staff to comment on whether it would be possible to build a 22 metre building in front of the Westin Hotel and train station. He also wished to know why Council was considering the whole precinct, and not just the vacant lot owned by Mr. Metlej.

Mr. Ouellet believed that the hotel could build closer to the street but not build up. He was unsure about the train station.

Mr. Richard Harvey, Acting Urban Design Project Manager, Planning & Infrastructure, explained that Council had requested that staff look at the entire design area.

Councillor Outhit suggested, as a compromise, that Council consider Alternative 2, as outlined on page 3 of the staff report. This would allow Council to adopt amendments to the height requirements for a select area, instead of for the entire precinct.

Councillor Watts expressed support for Alternative 2.

The Deputy Mayor reminded Council that it would have to defeat the motion on the floor before voting on Alternative 2.

Responding to a question from Councillor Hendsbee, Mr. Martin Ward, Municipal Solicitor, clarified that Alternative 2 is to apply the proposed amendments to certain properties only. Council would need to specify which properties were to be included. Any remaining properties could be added by Council in the future.

At this time, Council proceeded to vote on the motion.

MOTION PUT AND PASSED (10 in favour, 3 against).

In favour were: Deputy Mayor Rankin and Councillors Karsten, Nicoll, McCluskey, Fisher, Mason, Walker, Adams, Whitman and Craig.

Against were: Councillors Hendsbee, Watts and Outhit.

Absent were: Mayor Savage and Councillors Dalrymple, Mosher and Johns.

The meeting adjourned at 7:27 pm.

Sherryl Murphy
Deputy Clerk

The following information items were submitted:

1. Proclamation – HRM Bike Week – May 31 – June 9, 2013
2. Proclamation – Intergenerational Day Canada – June 1, 2013
3. Proclamation – National Health and Fitness Day – June 1, 2013
4. Proclamation – World Ocean’s Week – June 1 – June 8, 2013
5. Memorandum from the Director of Finance & ICT dated April 10, 2013 re: Award of Contracts – CAO Approval
6. Memorandum from the Acting Municipal Clerk dated May 21, 2013 re: Requests for Presentation to Council - None