



**HALIFAX REGIONAL COUNCIL
MINUTES
June 10, 2014**

PRESENT: Mayor Mike Savage
Councillors: David Hendsbee
Bill Karsten
Gloria McCluskey
Waye Mason
Jennifer Watts
Linda Mosher
Russell Walker
Stephen Adams
Reg Rankin
Matt Whitman
Brad Johns
Steve Craig
Tim Outhit

REGRETS: Deputy Mayor Darren Fisher
Councillors: Barry Dalrymple
Lorelei Nicoll

STAFF: Mr. Richard Butts, Chief Administrative Officer
Mr. John Traves, Municipal Solicitor
Ms. Cathy Mellett, Municipal Clerk
Ms. Sheilagh Edmonds, Legislative Assistant
Ms. Krista Vining, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

*A video recording of this meeting is available:
http://archive.isiglobal.ca/vod/halifax/archive_2014-06-10_live.mp4.html*

*The agenda, supporting documents, and information items circulated to Council are available
online:
<http://www.halifax.ca/council/agendasc/140610rc-agenda.php>*

The meeting was called to order at 1:00 p.m., and recessed at 2:57 p.m. Council moved into an In Camera session at 3:19 p.m. and reconvened at 4:22 p.m. Council recessed at 4:23 p.m. and reconvened at 6:00 p.m. Council recessed at 7:18 p.m. and reconvened at 7:23 p.m. Council recessed again at 8:49 p.m. and reconvened at 8:57 p.m. Council adjourned at 9:14 p.m.

1. INVOCATION

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

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Mayor Savage advised that on this date the funeral was being held for the three RCMP Officers who were killed in the line of duty on June 4, 2014 in Moncton, New Brunswick. He asked Council to stand for a moment of silence in honour of the three fallen officers and for the two officers who were injured in the same situation.

Councillors noted a number of special community announcements and acknowledgements.

3. APPROVAL OF MINUTES – Committee of the Whole April 15, 2014 and Regional Council April 29, 2014

MOVED by Councillor McCluskey, seconded by Councillor Watts that the minutes of the Committee of the Whole of April 15, 2014 and Regional Council of April 29, 2014 be approved. MOTION PUT AND PASSED.

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

Additions:

IN CAMERA

Council may rise and go into a private In Camera session, in accordance with Section 19 of the Halifax Regional Municipality Charter, for the purpose of dealing with the following:

13.2 Labour Relations

13.2.1 Collective Bargaining – CUPE, Local 108 – *Private and Confidential Report*

13.3 Property Matter

13.3.1 Administrative Order Street Closure AO-SC-077 Grafton Street – *Private and Confidential Report*

On behalf of Councillor Nicoll, Councillor Hendsbee requested, and Council agreed to add the Information Report on Transport and Dumping of Fill in Residential Areas to the regular agenda of June 24, 2014.

Council accepted the agenda as amended.

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 19171 – Amendments to the Downtown Halifax Municipal Planning Strategy (MPS) and an Existing Development Agreement to Permit an Extension to the Commencement and Completion Requirements for a 16 Storey Building at 1593 Barrington Street, Halifax

This matter was dealt with later in the meeting. See page 18.

9.2 Case 16367 – Herring Cove Road Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) Amendments and Development Agreement for 286/290 Herring Cove Road, Halifax (Joint Public Hearing with Halifax and West Community Council)

This matter was dealt with later in the meeting. See page 27.

9.3 Case 17413 – Municipal Planning Strategy (MPS) and Land Use By-law (LUB) Amendments for 16 Mills Drive, Goodwood

This matter was dealt with later in the meeting. See page 33.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence

The Clerk noted that correspondence was received for items: 9.1, 9.2, and 9.3, and this correspondence was circulated to Council.

For a detailed list of correspondence received refer to the specific agenda item.

10.2 Petitions - NONE

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Award – Unit Price Tender No. 14-202, Pavement and Curb Renewal – Ellerslie Crescent – East Region

The following was before Council:

- A staff recommendation report dated May 2, 2014.

MOVED by Councillor Johns , seconded by Councillor Whitman that Halifax Regional Council award Tender No. 14-202, Pavement and Curb Renewal – Ellerslie Crescent – East Region, to the lowest bidder meeting specifications, Dexter Construction Company Limited for a Total Tender Price of \$551, 360.08 (net HST included) with funding from Project Account No. CR000005 – Street Recapitalization and Project Account No. CYU01076 – Curb Renewal, as outlined in the Financial Implications section of the May 2, 2014 staff report.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Deputy Mayor Fisher and Councillors Dalrymple and Nicoll.

11.1.2 Award – Unit Price Tender No. 14-204, Street Reconstruction and Water Main Renewal – Gaston Road, Regency Drive and Galaxy Avenue – East Region

The following was before Council:

- A staff recommendation report dated May 12, 2014.

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

- 1. Approve a budget increase of \$847,710.17 (net HST included) to Project Account No. CR000005 – Street Recapitalization, funded through cost sharing with the Halifax Water and Heritage Gas; and**
- 2. Award Tender No. 14-204, Street Reconstruction & Water Main Renewal – Gaston Road, Regency Drive and Galaxy Avenue – East Region, to the lowest bidder meeting specification, Brycon Construction Limited for a Total Tender Price of \$1,996,451.18 (net HST included) with funding from Project Account Nos. CR000005 – Street Recapitalization and CKU 01084 – Sidewalk Renewals, as outlined in the Financial Implications section of the report dated May 12, 2014**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Deputy Mayor Fisher and Councillors Dalrymple and Nicoll.

11.1.3 Award – Unit Price Tender No. 14-217, Asphalt Overlays Phase 2 - Various

The following was before Council:

- A staff recommendation report dated April 23, 2014.

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

- 1. Approve a budget increase of \$132,117.85 (net HST included) to Project Account No. CR000005 – Street Recapitalization, funded through cost sharing with Halifax Water; and**
- 2. Award Tender No. 14-217, Asphalt Overlays Phase 2 – Various Locations, to the lowest bidder meeting specifications, Dexter Construction Company Limited for a Total Tender price of \$1,128,207.66 (net HST included) with funding from Project Account No(s). CR000005 – Street Recapitalization and CKU01084 – Sidewalk Renewals, as outlined in the Financial Implications section of the April 23, 2014 staff report.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Deputy Mayor Fisher and Councillors Dalrymple and Nicoll.

11.1.4 Award – Unit Price Tender No. 14-240, Pavement, Curb, Water Main and Sewer Main Renewal – Quinn Street, West Region

The following was before Council:

- A staff recommendation report dated May 13, 2014.

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

- 1. Approve a budget increase of \$429,754.26 (net HST included) to Project Account No. CR000005 – Street Recapitalization, funded through cost sharing with Halifax Water; and**
- 2. Award Tender No. 14-240 Pavement, Curb, Water Main & Sewer Main Renewal – Quinn Street – West Region, to the lowest bidder meeting specifications, Dexter Construction Company Limited for a Total Tender Price of \$930,229.03 (net HST included) with funding from Project Account No(s). CR000005 – Street Recapitalization and CYU01076 – Curb Renewals, as outlined in the Financial Implications section of the May 13, 2014 staff report.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Deputy Mayor Fisher and Councillors Dalrymple and Nicoll.

11.1.5 Award – Sole Source Bell Mobility Inc. for Trunked Mobile Radio Equipment, Access and Maintenance

The following was before Council:

- A staff recommendation report dated April 29, 2014.

MOVED by Councillor Mason, seconded by Councillor Craig that Halifax Regional Council, in accordance with Administrative Order 35, Section 8(11A), Sub-section (b) “Where there is an absence of competition for technical reasons and the goods or services can be supplied only by a particular supplier and no alternative or substitute exists,” and subject to the receipt of Ministerial approval:

- 1. Award a sole source contract for a period not to exceed ten (10) years for equipment, access and maintenance for the trunked mobile radio system for public safety communications to Bell Mobility Inc. of \$7,079,100.43 (net HST included), subject to the successful negotiation of a contract, with first year cost of \$727, 053.84 (net HST included) for equipment upgrades and the monthly recurring charges for the service and associated maintenance, with funding available as per the Financial Implications section of the April 29, 2014 staff report.**
- 2. Authorize and direct the CAO or his delegate to negotiate a contract with Bell Mobility relative to the above that meets the requirements of HRM to the satisfaction of the CAO, and attains the required service and service levels and accords with Financial Implications section of the April 29, 2014 staff report.**
- 3. Authorize the CAO to execute a contract on behalf of the Municipality resulting from these negotiations.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Deputy Mayor Fisher and Councillors Dalrymple and Nicoll.

11.1.6 Proposed amendments to Administrative Order 45, Road Maintenance Fee for Mariners Anchorage Residents Association

The following was before Council:

- A staff recommendation report dated April 10, 2014.

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

- 1. Approve an annual uniform charge of no more than \$300.00 per property, to be applied against properties abutting the private roads in Mariner’s Anchorage Subdivision, as depicted in the map shown in Appendix A of the staff report dated April 10, 2014, effective with the 2014-15 fiscal year for the purpose of funding the road maintenance activities of the Mariners Anchorage Residents Association.**
- 2. Approve amending Administrative Order 45, Respecting Private Road Maintenance, by adding Schedule 12, respecting a Uniform Charge for the Mariners**

Anchorage Residents Association, attached in Appendix B of the staff report dated April 10, 2014.

- 3. Subject to the approval of Schedule 12 of Administrative Order 45, authorize the Mayor to sign on behalf of HRM, an Agreement between HRM and the Association in the form approved by Regional Council on February 11, 2014.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Deputy Mayor Fisher and Councillors Dalrymple and Nicoll.

11.1.7 Proposed amendments to Administrative Order 45, Road Maintenance Fee for Redoubt Head Homeowner's Association

The following was before Council:

- A staff recommendation report dated March 31, 2014.

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

- 1. Approve an annual uniform charge of no more than \$750.00 per property, to be applied against properties abutting Fortress Drive, as depicted in the map shown in Appendix A of the staff report dated March 31, 2014, effective with the 2014-15 fiscal year for the purpose of funding the road maintenance activities of the Redoubt Head Homeowner's Association.**
- 2. Approve amending Administrative Order 45, Respecting Private Road Maintenance, by adding Schedule 11, respecting Uniform Charge for the Redoubt Head Homeowner's Association, attached in Appendix B of the staff report dated March 31, 2014.**
- 3. Subject to the approval of Schedule 11 of Administrative Order 45, authorize the Mayor to sign on behalf of HRM, an Agreement between HRM and the Association in the form approved by Regional Council on February 11, 2014.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Deputy Mayor Fisher and Councillors Dalrymple and Nicoll.

11.1.8 Proposed amendments to Administrative Order 45, Road Maintenance Fee for Black's Subdivision Ratepayers Association

The following was before Council:

- A staff recommendation report dated March 24, 2014.

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

1. **Approve an annual uniform charge of no more than \$150.00 per property, to be applied against properties abutting Seafarers Lane and Pioneer Hill in Black's Subdivision, as depicted in the map shown in Appendix A of the staff report dated March 24, 2014, effective with the 2014-15 fiscal year for the purpose of funding the road maintenance activities of the Black's Subdivision Ratepayers Association.**
2. **Approve amending Administrative Order 45, Respecting Private Road Maintenance, by adding Schedule 10, respecting a Uniform Charge for the Black's Subdivision Ratepayers Association, attached in Appendix B of the staff report dated March 24, 2014.**
3. **Subject to the approval of Schedule 10 of Administrative Order 45, authorize the Mayor to sign on behalf of HRM, an Agreement between HRM and the Association in the form approved by Regional Council on February 11, 2014.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Deputy Mayor Fisher and Councillors Dalrymple, Nicoll, and Johns

11.1.9 Right-of-Way Acquisition – Inspiration Drive, Porters Lake

The following was before Council:

- A staff recommendation report dated May 7, 2014.

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

1. **Approve the acceptance of the parcel known as Inspiration Drive, Porters Lake, as shown as Parcel ID-1 on Attachment "A", Plan No. 13-2184-0;**
2. **Authorize the Mayor and Municipal Clerk to enter into two Easement Agreements for portions of PID 40372476, identified as Parcel TTE-1 and Parcel TTE-2 on Plan No. 13-2184-0 as per the key terms and conditions outlined in Table 1 of the May 7, 2014 staff report; and**
3. **Approve this section of Inspiration Drive as a formal right-of-way.**

Councillor Hendsbee questioned whether the Chezzetcook Depot would be responsible for the snow plowing and whether proper bicycle lane markings would be painted. The CAO indicated that staff did not have the answers to those questions at this time, but would follow up with the Councillor.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Deputy Mayor Fisher and Councillors Dalrymple, Nicoll, and Johns

11.1.10 Sole Source Award – Efficiency Nova Scotia – Lighting Efficiency Upgrade at Keshen Goodman Library

The following was before Council:

- A staff recommendation report dated April 3, 2014.

MOVED by Councillor Rankin, seconded by Councillor Whitman that Halifax Regional Council, in accordance with Administrative Order 35, Procurement Policy Section 8(11)A(k), which states that sole source/single source purchases may be approved “For the procurement from a public body or a not-for-profit corporation,” approve a \$62,429.71 (net HST included) Sole Source Award for the Keshen Goodman Lighting upgrade project to Efficiency Nova Scotia Corporation (ENSC), with funding from CBX01161 – Energy Efficiency Projects, as outlined in the Financial Implications section of the April 3, 2014 staff report.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Deputy Mayor Fisher and Councillors Dalrymple and Nicoll

11.1.11 Case 19282 – Amendments to the Regional Subdivision By-Law regarding Park Dedication

The following was before Council:

- A staff recommendation report dated May 23, 2014.

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

- 1) Direct staff to initiate a process to consider amendments to the existing Regional Subdivision By-law, as provided in Attachment A, to clarify the cash-in-lieu of land park dedication requirements; and**
- 2) Direct that staff follow the public participation program as contained in Attachment B of the May 23, 2014 staff report.**

Mr. Kurt Pyle, Major Project Planner responded to questions.

Councillor Hendsbee questioned if the process could be expanded to include payment in the form of pro-rated fees or liens on property. In response, Mr. Pyle advised that the issue Council was currently dealing with is specific to parkland dedication, but that Council has also directed staff to carry out a general review of the subdivision bylaw and the Councillor’s concern would be more appropriately addressed under that review. In response to a further question, Mr. Pyle advised that staff expect to have the other review completed and before Council by the end of the year.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Deputy Mayor Fisher and Councillors Dalrymple and Nicoll

11.1.12 Case 18966 and Case 19281 – Amendments to the Halifax Municipal Planning Strategy (MPS) and the Halifax Peninsula Land Use By-Law (LUB), 6009 and 6017 Quinpool Road, and 2032-2050 Robie Street, Halifax

The following was before Council:

- A staff recommendation report dated June 2, 2014.

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

- 1. Direct staff to initiate the process to consider amending the Municipal Planning Strategy for Halifax and the Land Use By-law for Halifax Peninsula to create site specific policy and provisions for two development sites located at 6009 to 6017 Quinpool Road and 2032 to 2050 Robie Street to enable mixed use developments on each site by development agreement subject to addressing the design control principles for building height, mass, density, shadowing, and spacing between towers, as raised in the June 2, 2014 staff report; and**
- 2. Direct staff to follow the public participation program for the MPS amendment process as approved by Regional Council in February 1997.**

Councillor Watts advised that she was supportive of both proposals coming forward at the same time because it enabled her to see how they relate to one another. She noted that, in going forward, she wants to ensure that the site is developed in a way that is supportive of the surrounding community, and that the community is well informed of the benefits and impact. Councillor Watts pointed out that staff has noted the concerns about the height, mass, density, shadowing and spacing of the proposed buildings. She added that she has concerns with the impact of shadows on the Common and the spacing between the towers.

Councillor Hendsbee noted that Council has carried out various studies for development planning such as the Regional Plan, the Centre Plan, and the Corridor Plan, but this application seems to suggest that applications are being processed on a site by site basis. He asked for staff to clarify.

In response, Mr. Kurt Pyle, Major Projects Planner explained that although there was work done on the Corridor Plan for the Quinpool Road area, Regional Council never approved the Corridor Plan. He added that staff use it as a guide.

Councillor Watts questioned the relationship between the Centre Plan and these applications. In response, Mr. Bob Bjerke, Chief Planner, explained that the Centre Plan is anticipated to take a year and a half to be completed, however, there is enough information to date to provide guidance on how to review applications and there is no need to delay these applications until the Centre Plan was completed.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Deputy Mayor Fisher and Councillors Dalrymple, Nicoll

11.2 AUDIT AND FINANCE STANDING COMMITTEE

11.2.1 Approval of Advanced Project Funding and Award – RFP#P13-323, Traffic Signal Control Solution

The following was before Council:

- A recommendation report dated May 30, 2014 submitted by the Chair of the Audit and Finance Standing Committee.

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

- a) Award RFP #P13-323, Traffic Signal Control Solution to the highest scoring proponent, Delcan, for a Total Price of \$3,233,370.74 (net HST included) with funding in the amount of \$2,899,898.53 from CT140001 – Traffic Signal System Integration and \$333,472.21 from future Operating Budgets, as outlined in the Financial Implications section of the staff report dated May 6, 2014.**
- b) Approve capital spending of \$1,109,991.11 (net HST included) for project costs related to Project CT140001 – Traffic Signal System Integration as per the Financial Implications section of the staff report dated May 6, 2014.**
- c) Approve, in advance, a funding commitment in the amount of \$596,400 for Project CT140001 – Traffic Signal System Integration for the 2015/2016 fiscal year, by reducing the 2015/16 requirement for Project CT000004 – Controller Cabinet and Detection Program by \$300,000 and reducing the 2015/16 requirement for Project CTU01085 – Traffic Signal Installation by \$296,400.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Deputy Mayor Fisher and Councillors Dalrymple and Nicoll

11.3 COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT STANDING COMMITTEE

11.3.1 Downtown I'm In

The following was before Council:

- A recommendation report dated May 28, 2014 submitted by the Chair of the Community Planning and Economic Development Standing Committee.

MOVED by Councillor Mason, seconded by Councillor McCluskey that Halifax Regional Council accept the Downtown I'm In report, acknowledge the short and long term activities being carried out that respond to ideas raised at Downtown I'm In, and direct staff to pursue actions described in Table 1 of the March 28, 2014 staff report.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Deputy Mayor Fisher and Councillors Dalrymple, Nicoll, and Rankin.

11.3.2 Proposed Administrative Order 2014-005-GOV, Halifax Explosion 100th Anniversary Advisory Committee

The following was before Council:

- A recommendation report dated May 28, 2014 submitted by the Chair of the Community Planning and Economic Development Standing Committee.

MOVED by Councillor Watts, seconded by Councillor Craig that Halifax Regional Council

- 1. Adopt Administrative Order 2014-005-GOV providing the Terms of Reference for the Halifax Explosion 100th Anniversary Advisory Committee as outlined in Attachment 1 of the April 10, 2014 staff report, and**
- 2. Future recommendations in regard to the Halifax Explosion 100th Anniversary Program be brought forward to Community Planning and Economic Development for consideration during the annual budgeting process.**

Councillor Hendsbee advised that he felt that a member of the Halifax Foundation should be included in the Committee composition, and he **MOVED a motion to amend the Terms of Reference to include a member of the Halifax Foundation as a Committee member; there was no seconder to the motion and the MOTION WAS LOST.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Deputy Mayor Fisher and Councillors Dalrymple, Nicoll, and Rankin

11.4 GRANTS COMMITTEE

11.4.1 Community Grants Program 2014-15 – Recommended Awards

The following was before Council:

- A recommendation report dated May 8, 2014 from the Chair of the Grants Committee

MOVED by Councillor Walker, seconded by Councillor Whitman that Halifax Regional Council approve fifty-three (53) awards for a combined value of \$382,625 as detailed in Attachment 2 of the April 23, 2014 report, from operating account M311-8004 Community Grants Program.

Ms. Peta-Jane Temple, Team Lead, Grants and Contributions responded to questions.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Deputy Mayor Fisher and Councillors Dalrymple, Nicoll

11.5 HERITAGE ADVISORY COMMITTEE

11.5.1 Case H00396 – Application to consider 276 Portland Street, Dartmouth as a Municipally Registered Heritage Property

The following was before Council:

- A recommendation report dated May 23, 2014 submitted from the Chair of the Heritage Advisory Committee

MOVED by Councillor McCluskey, seconded by Councillor Whitman that Halifax Regional Council set a date for a heritage hearing to consider the application of 276 Portland Street as a municipally registered heritage property.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Deputy Mayor Fisher and Councillors Dalrymple and Nicoll

11.5.2 Case H00397 – Application to consider 6053 Jubilee Road, Halifax as a Municipally Registered Heritage Property

The following was before Council:

- A recommendation report dated May 23, 2014 submitted by the Chair of the Heritage Advisory Committee

MOVED by Councillor Mason, seconded by Councillor Hendsbee that Halifax Regional Council set a date for a heritage hearing to consider the application of 6053 Jubilee Road, Halifax as a municipally registered heritage property.

MOTION PUT AND PASSED UNANIMOUSLY.

Not Present: Deputy Mayor Fisher and Councillors Dalrymple and Nicoll

11.6 SPECIAL EVENTS ADVISORY COMMITTEE

11.6.1 Summer Festival Grant Program 2014

The following was before Council:

- A recommendation report dated May 28, 2014 submitted from the Chair of the Special Events Advisory Committee.

MOVED by Councillor Johns , seconded by Councillor Adams that Halifax Regional Council approve the 2014/15 Summer Festival grant awards of \$24,500 funded from the Regional Recreation and Culture (C760-6933) 2014/15 Operating Budget as identified below:

Canada Day in Beaverbank	\$3,500
Cole Harbour Harvest Festival	\$3,500
Fall River Canal Days	\$3,500

Lake and Shore Days	\$3,500
North Preston Days	\$3,500
Sambro Sou'Wester Days	\$3,500
Seaside Festival	<u>\$3,500</u>
	\$24,500

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Deputy Mayor Fisher and Councillors Dalrymple and Nicoll

11.6.2 2014 Festivals and Events Grant Report

The following was before Council:

- A recommendation report dated May 28, 2014 submitted by the Chair of the Special Events Advisory Committee.

MOVED by Councillor Adams, seconded by Councillor McCluskey that Halifax Regional Council approve the 2014/15 Festivals and Events grant awards of \$34,850 as identified in Table 1 to be funded from the approved 2014/15 Operating Budget Account No. C760, Regional Recreation & Culture.

Councillor Watts asked that it be noted, for the record, that on page 18 of the report the description given to the Ward 5 – Annual Block Party is actually the description for the Northern Lights Festival.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Deputy Mayor Fisher and Councillors Dalrymple and Nicoll

11.6.3 Hallmark Grants Awards Reconsideration – Royal Nova Scotia International Tattoo

The following was before Council:

- A recommendation report dated April 16, 2014 submitted by the Chair of the Special Events Advisory Committee.

MOVED by Councillor Johns, seconded by Councillor Whitman that Halifax Regional Council not increase the Hallmark Grant to the Royal Nova Scotia Tattoo and maintain the \$90,000 award as previously recommended by the Special Events Advisory Committee.

Councillor Johns advised that the Committee reviewed the amount as requested by Council, but maintain their original decision based on the fact that they held all other applicants to the previous year's amount because it is expected a new policy will be in place for next year.

MOTION PUT AND DEFEATED. (2 in favour, 12 against)

Those voting for: Councillors: Hendsbee and Mason

Those voting against: Mayor Savage and Councillors Karsten, McCluskey, Watts, Mosher, Walker, Adams, Rankin, Whitman Johns, Craig, and Outhit.

Not present: Deputy Mayor Fisher and Councillors Dalrymple and Nicoll

MOVED by Councillor Karsten, seconded by Councillor Whitman that Halifax Regional Council increase the Hallmark 2014-2015 Grant to the Royal Nova Scotia Tattoo from \$90,000 to \$100,000 to be funded from the Marketing Levy and Special Events Reserve.

MOTION PUT AND PASSED UNANIMOUSLY.

Not Present: Deputy Mayor Fisher and Councillors Dalrymple and Nicoll

12. MOTIONS - None

At this time, Council dealt with Item 15, Notices of Motion

15. NOTICES OF MOTION

15.1 Councillor Hendsbee

Councillor Hendsbee Gave Notice that, at the next regular meeting of Halifax Regional Council, to be held on June 24, 2014, he intends to move the following motion.

Due to the fact that the existing Community Facility Master Plan does not include sufficient data for a full assessment of the recently announced school project in the Eastern Shore of HRM and the timing does not permit the project to be considered in the upcoming Community Facility Master Plan (CFMP) review, I request that staff prepare a report regarding the Eastern Shore school project including a possible community enhancement, potential partnerships with the Province and possible infrastructure funding opportunities.

15.2 Councillor Hendsbee

“Take Notice that, at the next regular meeting of Halifax Regional Council, to be held on June 24, 2014, I intend to move the following motion:

That Halifax Regional Council direct staff to return with a report detailing the scope of the review of the parkland dedication fees and subdivision By-law for the purpose of determining policies;

- 1) To incorporate possible allocation of parkland fees to develop and/or enhance off-site (but nearby) parkland and playground sites.
- 2) Dealing with prorating of parkland fees to be assessed in phases as development is started or to be applied as a lien on the properties designated for the proposed development, and

- 3) Consider if the parkland fees can be assessed to any change in use in density of properties under redevelopment whereby new P.I.Ds are created and be treated as newly created lots.”

15.3 Councillor Karsten

“Take Notice that at the next regular meeting of Halifax Regional Council, to be held on June 24, 2014, I intend to move a motion amending Administrative Order 12, the Appointment of the Traffic Authority Administrative Order, to appoint a provisional Traffic Authority and Deputy Traffic Authority and that both appointments be effective until December 2, 2014.”

15.4 Councillor Karsten

“Take Notice that, at the next meeting of Halifax Regional Council to be held on June 24, 2014, I intends to proposed amendments to Administrative Order 18, the Revenue Collections Policy, the purpose of which is to put into effect the expanded acceptance of credit cards.”

15.5 Councillor Watts

“Take Notice that, at the next meeting of Halifax Regional Council to be held on June 24, 2014, I propose to:

1. move First Reading of By-law C-501, the purpose of which is to repeal and replace By-Law C-500, Respecting Commerce and Vending on Municipal Lands;
2. repeal Administrative Order 37, Respecting Commerce and Vending on Municipal Lands; and
3. Amend Administrative Order 15, Respecting License Permit and Processing fees.

The purpose of which is to (1) facilitate the positive growth of the mobile food service industry in HRM, (2) to outline options for protective canopies for artisans, and (3) address some general housekeeping items in the by-law and the administrative orders.”

15.6 Councillor Watts

“Take Notice that, at the next regular Regional Council meeting, to be held on the 24th day of June 2014 I propose to introduce Administrative Order 2014-009-OP, Respecting the Community Garden Program, the purpose of which is to permit the operation of Community Gardens within the Municipality and to provide direction for the establishment and operation of such gardens.”

15.7 Councillor Craig

“Take Notice that at the next regular Regional Council meeting, to be held on the 24th day of June, 2014, I propose to move First Reading of By-Law E-203 the purpose of which is to amend

By-Law E-200, Respecting Encroachments Upon, Under or Over a Street, to modify Section 10 to allow Regional Council to enter into an agreement with Canada Post Corporation.”

13. IN CAMERA

13.1 In Camera Minutes – April 15, April 29, May 13 and May 20, 2014.

MOVED by Councillor McCluskey, seconded by Councillor Mason that the in camera minutes of April 15, April 29, May 13, and May 20, 2014 be approved. MOTION PUT AND PASSED.

MOVED by Councillor Mason, seconded by Councillor McCluskey that Council convene in camera. MOTION PUT AND PASSED.

13.2 Labour Relations

13.2.1 Collective Bargaining – CUPE, Local 108 – Private and Confidential Report

Council dealt with this matter in camera.

At 2:57 p.m. Council recessed to convene in camera.

At 4:22 p.m. Council reconvened in the regular session to ratify the following item from In Camera:

14. ADDED ITEMS

14.1 Administrative Order SC-077 Respecting Closure of a Portion of Grafton Street and Conveyance to Argyle Developments – *Private and Confidential Report*

This matter was dealt with at an in camera meeting held previously and was now before Council for ratification.

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

- 1. Approve Administrative Order SC-077 to close that part of Grafton Street that is between Prince and Sackville Streets, Halifax, as contained in Attachment C of the in camera recommendation report dated June 6, 2014;**
- 2. Declare a portion of Grafton Street as per Attachment C of the in camera recommendation report dated June 6, 2014, surplus to municipal requirements and categorize as “Economic Development” as per Administrative Order 50;**

- 3. Authorize the Mayor and Clerk to enter into an Agreement of Purchase and Sale with Argyle Developments Inc. as per the terms and conditions set out in Table 1 of the in camera recommendation report dated June 6, 2014.**

It is further recommended that the in camera recommendation report dated June 6, 2014 not be released until the sale has closed.

MOTION PUT AND PASSED. (12 in favour, 2 against)

In favour: Mayor Savage and Councillors Hendsbee, Karsten, McCluskey, Mason, Mosher, Walker, Adams, Rankin, Whitman, Craig, and Outhit.

Against: Councillors Watts and Johns

Not Present: Deputy Mayor Fisher and Councillors Dalrymple and Nicoll

15. NOTICES OF MOTION

This matter was dealt with earlier in the meeting. See pages 15 and 16.

Council recessed at 4:23 p.m. and reconvened at 6:00 p.m. to deal with the public hearings.

9.1 Case 19171 – Amendments to the Downtown Halifax Municipal Planning Strategy (MPS) and an Existing Development Agreement to Permit an Extension to the Commencement and Completion Requirements for a 16 Storey Building at 1593 Barrington Street, Halifax

The following was before Council:

- A staff recommendation report dated May 9, 2014
- A draft extract of the Regional Council minutes of May 20, 2014
- A recommendation report dated May 9, 2014 from the Chair of the Design Review Committee
- An information report dated May 8, 2014 from the Chair of the Heritage Advisory Committee
- A copy of the staff presentation dated June 10, 2014
- A submission from Nancy G. Rubin, Stewart McKelvey dated June 9, 2014

Mr. Richard Harvey, Major Projects Planner delivered a presentation on Case 19171, an application by W.M. Fares Group on behalf of Grafton Developments, to amend the Downtown Halifax Municipal Planning Strategy (MPS) and an existing Development Agreement (DA) to permit an extension to the commencement and completion requirements for a 16 storey building at 1593 Barrington Street, Halifax.

The Mayor called for the Applicant to come forward and speak at this time.

Mr. Cesar Saleh, Professional Engineer with W.M. Fares Group, Applicant, spoke on behalf of their client Grafton Developments. He advised that their client supported the proposed design and planning amendments as put forward by HRM staff and was agreeable to the Discovery Centre remaining as a tenant until their plans for a move were finalized as long as Grafton Development's development rights are not undermined. He stated that over the past seven months W.M. Fares Group has completed the following tasks: assessed the site and the provisions of the existing DA, an assessment of the existing building. They have also assembled a team of highly reputable and local design consultants to produce the necessary permit drawings, surveys, 3D colour scan of the existing building facades and its features, wind tunnel study, preliminary drawings. W.M. Fares Group has also applied and was issued a development permit HRM File #137809 which proves they can comply with all the development provisions in the DA and any applicable Land Use By-laws. Mr. Saleh indicated that a meeting was held with the consultant team, HRM staff, property owner and contractor. He confirmed that the design drawings would be completed by Thursday, June 12th, at which time W.M. Fares Group would be in a position to submit an application for building permit to satisfy the conditions of the DA. He further noted that it was his understanding that their client was considering making a permit application regardless of Council's decision tonight to ensure their development rights were fully protected. Mr. Saleh thanked Council for considering the application and welcomed any questions.

The Mayor reviewed the rules of procedure for public hearings, opened the hearing for anyone wishing to speak.

Ms. Nancy Rubin of Stewart McKelvey spoke on behalf of Starfish Properties Limited, owner of the Roy Building immediately adjacent to the property in question. Ms. Rubin referenced her submission dated June 9, 2014 as provided for the record; stating four reasons why Council should not vote in favour of the amendments. She noted that three reasons were jurisdictional and procedural and the fourth dealt with the merits of the application. She asked Council to reject the amendments in order to maintain the integrity of the decisions made to pass HRM by Design and grandfather this development for a limited a specific time period.

Ms. Rubin went on to identify two strong policy reasons why Council should maintain the integrity of their decision. First, these amendments would render the approval inconsistent with the heritage provisions in the HRM by Design and were contrary to the certainty and clarity provided by HRM by Design. On the first jurisdictional reason, Ms. Rubin indicated that Council was without a critical recommendation from the Heritage Advisory Committee (HAC); the basis for this reason was outlined in pages five through seven of her submission. She stated her position is that the HAC is mandated to provide a recommendation to Regional Council respecting applications, development agreements or amendments to a MPS affecting heritage policies. She commented that HAC took an unduly restrictive view of its mandate and did not provide any recommendation to Regional Council for or against the approval.

Ms. Rubin stated that the second reason why Council should not approve the changes was because the DA identifies substantive and non-substantive amendments. By policy, this was a substantive amendment and both the Downtown Halifax Secondary Municipal Planning Strategy (DHSMPS) and the Barrington Street Heritage Plan (BSHP) Policy provide that applications for

non-substantive amendments to approve development agreements shall be considered under the policies in effect at the time the agreement was approved. Therefore, non-substantive amendments are grandfathered and substantive amendments are not. She indicated that this would be a substantive agreement if the amendments, as proposed by staff, were approved and would setup a conflict because Council had not dealt with DHSMPS Policy 90D and BSHP Policy 27.

Ms. Rubin expressed that the third reason why Council should not approve the changes was because the building falls within the Barrington Street Heritage Conservation District Revitalization Plan area. Amendments to the DHSMPS were approved, but by omission or oversight the Plan was not updated and no recommendations to amend have been brought forward.

On the merits of the application, Ms. Rubin stated that amendments to policies require significant and substantial unforeseen changes; however, this was not a significant substantial change based on the time the Policy was put in place and the DA was approved. The Discovery Centre has always been a tenant and planned to vacate, and if there were known leasing issues she suggested that they should have been brought forward prior the start of the process. She further suggested that the developer was trying to ride the coattails on the good will of the Discovery Centre and recognized and appreciated the good work the Discovery Centre does but that the project would unlikely be able to proceed in accordance with the construction timelines.

Mr. Stephen Patterson of Halifax indicated that he was the property owner and developer of the new 16 storey building being constructed at 1592 Barrington Street; directly across from the Discovery Centre. He was proud to say that he was among the first to go through the HRM by Design process and obtain planning and building permit approvals. His property was purchased and planned according to the knowledge that at least five major developments would be proceeding in the immediate neighbourhood. The Roy, Discovery Centre, Convention Centre, Sam the Record Man and the Microbrewery were all scheduled to be built and completed by 2016. Mr. Patterson indicated that he understood and was assured that the Discovery Centre and the Roy were mandated for completion and would be required to follow the same planning process as he and other property owners are following. Mr. Patterson commented that, as these projects are now underway, the spirit and expectation in the downtown heritage neighbourhood is at a tremendous high for the first time in a long time. The tenants and merchants have been putting up with blocked sidewalks, construction traffic and activity causing them inconvenience and frustration; however, they see the light at the end of the tunnel and know that it will be a great district when the construction is finished. For this reason he and others are able to negotiate and keep some of their core tenants knowing that the timelines would be achieved.

He went on to speak to his multi-million dollar investment and was concerned that changing the course of action now, and disrupting the progress being made, would add to the uncertainty and that extending the project's timeline was the wrong decision. Mr. Patterson expressed his excitement with the revitalization and progress being made to his building but was concerned with the lack of maintenance being done on the Discovery Centre building; noting that broken windows were being boarded up rather than repaired. He also indicated that that the main tenant on the lower floor of the building would be moving because of the uncertainty in the

length of time they would be able to remain. He expressed the need to complete the construction cycle planned and designed as soon as possible. Mr. Patterson also spoke to the premier location of the neighborhood which is in the centre for tourist and consumer traffic and continues to improve daily. He commented that if Council allows the developer to delay for another two years, subjecting the neighbourhood merchants to more construction and disruption, they would be doing damage to the overall progress which may cause new tenants to avoid the area; and asked for Council's support.

Mr. Dov Bercovici of Halifax and CEO of the Discovery Center thanked Council for their investment in the new Discovery Centre; stating that research shows that cities with science centres rank higher on their intelligent economy, have higher economical mobility for their citizens and rank higher on Mercer's Quality of Life Index. Mr. Bercovici advised that he was speaking on behalf of the many stakeholders, the Discovery Centre's Board of Directors and over 80,000 visitors. He noted that the Discovery Centre is one of the most visited facilities of its kind in Atlantic Canada. The Discovery Centre has 15 full time and 30 part time employees and over 100 regular volunteers from retirees to university and high school students. He stated that they need the extension to go forward and be approved as quickly as possible. If the extension decision is delayed, the Discovery Centre would have to relocate or likely close for an extended period of time. He noted that any closure would be a major distraction and put the new science centre at material risk. Rather than continue to grow their admissions and award winning programs which have doubled in the last seven years to the new science centre, they would be starting from scratch. He spoke to the challenges of moving a 20,000 square foot facility twice in two years, indicating that most of their annual revenue is derived from earned day-to-day revenue through the admissions programs and fundraising. The Discovery Centre receives minimal public funding annually as compared to other science centre, yet they have no long term debt and have had seven years of consecutive modest surpluses. During their review, they realized that a swing space location would be too costly both in terms of increased rent and unnecessary debt. Mr. Bercovici went on to state that a new \$20 million science centre on the Halifax Waterfront is no small undertaking. It will be the first project of its kind in Atlantic Canada; being one of the most unique science centres in Canada, if not North America. Other than the new library, it will be Halifax's first new major cultural construction in decades. Their project development approach has always been to ensure that all financial commitments are firm before moving forward to new construction. He indicated that they had planned to move to construction sooner but due to the timeline for the Provincial election last year, they were unable to secure final formal commitments from some major private donors, which were contingent on matching Federal and Provincial funding. They are now in a position to begin final construction drawings and start construction in the fall based on firm contracts and bankable commitments. Mr. Bercovici indicated that they are in full support of HRM staff's recommendation and the Design Review Committee's recommendation to grant a one-time extension to an already approved development.

Councillor McCluskey asked whether construction had begun at the new location. Mr. Bercovici responded no, but that they have completed the design review and were moving to the construction design. Councillor McCluskey further asked about the window's being boarded up on the building. Mr. Bercovici clarified that those windows were around the corner in the old

Reflections space and was not part of their facility, which is very well kept. He further agreed with Councillor McCluskey that the broken windows are the landlord's responsibility.

Ms. Joan Kean-Howie of Halifax expressed that she has been engaged in scientific research in HRM for decades. Upon graduating from Dalhousie University, she moved on to become a research scientist and then managed science programs. Until a few years ago, she was the Director General of the National Research Council lab on Oxford Street, Halifax. Ms. Kean-Howie commented that she is engaged with the Discovery Centre, is a Board member and Chair of the Exhibits Committee. She spoke in support of the extension, noting that it is critical in the continuity of the Discovery Centre's services to the over 600 groups that rely on their facilities yearly. She comments on the tens of thousands of people who attend the facility and was confident in the Discovery Centre's development and delivery of programs. Ms. Kean-Howie commented that you cannot appreciate something unless you understand it, and it is this understanding of science that they promote so effectively. She noted that over the years the Discovery Centre has set up partnerships and working relationships with educational and private sector groups, which allows the groups to set up and speak to their achievements and new technologies which are important to Atlantic Canada. She further spoke to the possibilities around children's future engagement with and involvement in science from visiting the site. She pointed out that the innovation and continuum is important locally and to the Country. Ms. Kean-Howie stated that the extension is necessary for the Discovery Centre to continue these services and not disrupt the ongoing continuity of their existing partnerships and working relationships. She further spoke the Discovery Centre's staff and volunteers being a valuable resource and was concerned that any disruption to the continuity and the possibility of closing for a period of time would force them to seek employment elsewhere.

Mr. Doug Raphael of Halifax indicated that he is a member of the Discovery Centre's Board of Directors, father of three and real estate developer and investor. He spoke to the benefit of the Discovery Centre's new location on the Halifax Waterfront; and the significance around the large non-profit organization raising \$20 million for a new facility that will be generational. He commented on the challenges of renovating and how there has been a number of key players both public and private involved in the project. Mr. Raphael echoed comments made around the progress to get to this stage and the need for an extension. He suggested that there should be flexibility and movement to achieve long term success and quality. He further spoke to success of the Discovery Centre's location on Barrington Street and the coming together with other merchants to make the neighborhood lively when no one else wanted to and how they would continue to do so for Barrington Street. Mr. Raphael wanted Council to see the long term vision for the success of the Discovery Centre and to grant the extension of time. He closed by reiterating comments around the Discovery Centre not being able to afford to go dark and the potential loss of admissions and associated costs.

Mr. Patrick Keefe of Halifax and partner at Build Ventures, a \$55 million venture capital firm that invests in early stage software, life sciences and technology companies in the Region. Mr. Keefe noted he is also a member of the Discovery Centre's Board of Directors and spoke to the reasons why he volunteers on the Board. As a father of three he has seen their excitement when visiting the Discovery Centre. Secondly, in his job he sees the future in economic development in the Region and understood the importance of exposing children to science so

they can become the future drivers of economic growth. Mr. Keefe reiterated comments around the Board's work over the past years to find a new location for the Discovery Centre, the \$20 million investment and delays but that the project would move forward. He commented that the Discovery Centre is a critical part in the community and referenced early comments made around the 80,000 yearly visitors and countless volunteers and the Centre's important contribution to HRM and its future. He asked Council to consider granting the extension and allowing the Discovery Centre to carry on their development. Mr. Keefe went onto highlight that he was a part of the subcommittee that reviewed the financial implications for the various options; expressing the same concerns raised if the Discovery Centre were to go dark and the impact it would have on the new location.

Mr. Louis Reznick of Toronto expressed concern with the proposal before Council to amend planning policies and the existing approved DA; which have specific start and completion dates that the developer is unable to meet. He commented that these timeframes could not be met solely on the developer's lack of effort and failure to live up to the agreed upon terms and conditions of the DA. Mr. Reznick suggested the May 9, 2014 staff report had been crafted in a deliberate manner and confuses and misrepresents the status of the DA and current situation. He expressed that the developer could not meet the July 20, 2014 commencement date in the DA which would enable the developer to proceed with the approved building. Mr. Reznick disagreed with statements made in the May 9th staff report; indicating that developer had assured staff that they would submit their plans for building permit by June 2, 2014, which was not done and the commitment to do so had been broken. Mr. Reznick went on to express that that the only consistent process being adhered to by the developer was one of delay and neglect. The building remains half vacant with boarded up windows and in a decayed state of repair. The building is becoming an eye sore on the most prominent corner of a downtown heritage street. He suggested that by approving this request to amend the commencement dates, Council would be guaranteeing the ability for the deterioration to continue.

Mr. Reznick went on to reference comments made around the Discovery Centre's inability to remain in its present location. He noted that the developer has shown in the audited financial statements that extending the Discovery Centre lease and allowing them to pay an excess \$350,000 a year in rent to the developer, which amounts to over \$700,000 out of the \$2 million given to the Discovery Centre by HRM. Mr. Reznick expressed concern with allowing the developer to profit by approving the amending DA. He suggested that if the developer had any intention to comply with the DA, they could have given notice earlier of their intention to terminate the Discovery Centre's tenancy. He spoke to other developers in the area, including his tenants, having to relocate and the millions of dollars in costs associated. Mr. Reznick further suggested that Council is moving into the realm of landlord/tenant negotiations which will be at a tremendous cost. He closed by speaking to the three years it took for his development to get to the stage the Discovery Centre's developer is at and how this project was years away from beginning construction of the new location. Further, he disagreed with Councillor Mason that there were no unique circumstances for this project and would prove that Council is willing to make exceptions causing doubt and confusion were confidence and vision is starting to take root. He knew of other developments that would not proceed and be adversely affected if the amendment to delay is passed and asked Council to support their Downtown Halifax Secondary MPS and undo the process that has already been made.

Councillor Whitman asked Mr. Reznick to provide clarification around the developer submitting their building permit plans by June 2, 2014 and then asked staff to respond.

Mr. Reznick noted he contacted the planning development office and reviewed the planning schedule in the Development Approval which indicated that the developer would have their building permit plans completed by June 2, 2014. He spoke with staff following this date and was advised that no application had been made for this project.

The Mayor asked if there were any further speaking, of which there were none. The Mayor called for the Applicant to come forward and speak at this time.

Mr. Saleh suggested that Ms. Rubin and Mr. Reznick's comments were leading Council to believe that if they do not grant the extension the developer is not able to meet the construction timelines and as a result the Discovery Centre would remain on Barrington Street. Mr. Saleh clarified that these statements were untrue and as mentioned in his presentation, W.M. Fares Group has been involved in the design and development process for the last 30 years. During that time they have submitted hundreds of applications to HRM for building permits, plan amendments and DAs, and take pride that every project they have been involved in whether as-of-right or not has been built. He assured Council that they were able and would meet all of the conditions of the DA on behalf of their client. He confirmed that they were supposed to submit for building permit on June 2, 2014 but that an application would be made on June 12, 2014. Mr. Saleh further spoke to W.M. Fares Group experience in the industry and local market place and that they were confident they could get a building permit within four weeks of submitting their application; ten days prior to the expiry of the DA.

In response to a question raised by Councillor McCluskey respecting building maintenance and boarded up windows, Mr. Saleh advised that he would bring these concerns back to the developer and confirmed that if the extension is granted that this work would be completed.

Councillor Whitman asked staff to respond to the June 12, 2014 building permit submission date and whether this was an achievable timeline.

MOVED by Councillor Hendsbee, seconded by Councillor Watts that the public hearing close. MOTION PUT AND PASSED.

In response to questions raised around the building permit deadline, Mr. Harvey advised that applications for building permits could be done at various stages. In order for the developer to meet the terms of the DA, they are required to start construction on the parking levels. Mr. Harvey confirmed that developer has been in the process of making applications to secure these approvals in the full understanding of the terms of the DA.

On the comment made around the lack of recommendation from the HAC, Councillor Watts asked staff to advise if this was a required step in the process. Mr. Harvey advised that in his view, from attending HAC's meeting, was that the HAC had considered the matter and determined that the granting of an extension of time was not a heritage matter but rather a timing

matter. As a member of HAC Councillor Hendsbee confirmed that after discussion and consideration the Committee determined that the extension of time for a development agreement was not a matter for the HAC.

Councillor Watts further asked if this was a substantive change, whether it negates the grandfathering mechanism. Mr. Harvey advised that Council would be changing the intent expressed in the DHSMPS by allowing an exception and granting of an additional two years; which staff has advised they have the authority to so by amending DHSMPS.

Councillor Whitman also confirmed HAC's reason for not putting forward a recommendation as provided by Mr. Harvey and Councillor Hendsbee. In response to a further question around the building permit application deadline, Mr. Harvey advised he could not speculate on the proposed amended timelines, and could only speak to the information and submissions provided to Council. He reiterated that from what he has seen, the developer was taking the necessary steps in order to secure the rights they have in the existing DA.

MOVED by Councillor Mason, seconded by Councillor Mosher that Halifax Regional Council adopt the proposed amendments to the Downtown Halifax Secondary Municipal Planning Strategy, contained in Attachment A1 of the staff report dated May 9, 2014.

Councillor Mason spoke in support of the motion and the work of HRM by Design. He was confident that the developer would make every effort to meet the deadlines of the DA as a result of the financial restrictions they were under and wanting to protect their development rights. He understood Mr. Reznick's comments around the Discovery Centre, as well as the reasons provided by Mr. Raphael around the delay and challenges in securing funding. He was concerned with making an exception and granting an extension; commenting that the Barrington Street Heritage Conservation District Revitalization Plan was well thought out and has aided in the increased activity on the street. Councillor Mason indicated that he would not support any future requests for extensions on this site, but would support this extension in order to protect HRM's investment in the Discovery Centre. He noted that if the new location was completed at any point in the next two years, that the property owner could start renovating at that time. Councillor Mason asked Council to support the motion to grant the extension.

Councillor Watts advised she would not be supporting the motion. She indicated that she was not supportive of grandfathering the properties at the time because of the work done through HRM by Design, the careful planning and public consultation, and the public's desire for a coherent downtown reflected in the Barrington Street Heritage Conservation District Revitalization Plan and approved projects. Councillor Watts noted that she had considered the concerns expressed by neighbouring property owners, and recognized the important work being done by the Discovery Centre; but she was not convinced that there was a development permit issue and the Discovery Centre having to vacate the building immediately. In terms of how the development needed to unfold in the downtown, she was unsure that this could not be managed without the Municipality stepping in and making a substantial change to the DA after allowing grandfathering based on a limited timeframe.

In response to a question raised by Councillor Craig, Mr. Harvey advised that if Council did not approve amendments to the DHSMPs and DA, the agreement would expire (July 20, 2014) and the developer would be unable to take action on the development of the 16 storey building and it would fall under the current policy.

During the discussion, members of Council provided their points of view around the request to extend, grandfathering timelines and comments made during the public hearing.

In response to concerns made with the lack of maintenance and deterioration of the building, Councillor Craig suggested that a portion of the \$700,000 in rent paid by the Discovery Centre over the next two years go toward building maintenance and street scape improvements. He asked if the extension were to be granted, whether Council had the authority to amend the motion to put provisions in place in the DA requiring the developer to make improvements to the property and streetscape over the next two years.

In response, Mr. Harvey advised that Council has broad powers through the Minimum Standards By-Law to address any situation. He indicated that provisions could be put in place where policies are in place that speaks to building and streetscape maintenance. The staff recommendation does not address amendments that are outside of the request to extend the timeline and most likely another public hearing may be required to address provisions to the DA. Mr. John Traves, Municipal Solicitor agreed that at this point in the proceeding a separate public hearing process would be needed to address a new amendment. He added that an executed DA would be difficult to change without the consent of the party with whom Council entered into the agreement. Councillor Whitman agreed with Councillor Craig's concern, commented that there should be something in writing to have added assurance that the building will be maintained over the next two years.

MOTION PUT AND PASSED. (11 in favour, 1 against)

In favour: Mayor Savage, Councillors Hendsbee, McCluskey, Mason, Mosher, Walker, Adams, Rankin, Whitman, Craig and Outhit.

Against: Councillor Watts

Not present: Deputy Mayor Fisher, Councillors Dalrymple, Karsten, Nicoll and Johns.

Council recessed at 7:18 p.m. and reconvened at 7:23 p.m.

9.2 Case 16367 – Herring Cove Road Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) Amendments and Development Agreement for 286/290 Herring Cove Road, Halifax (Joint Public Hearing with Halifax and West Community Council)

The following was before Council:

- A recommendation report dated March 26, 2014 from the Chair of Halifax and West Community Council

- An extract of the Regional Council minutes of April 15, 2014
- A copy of the staff presentation
- A copy of the applicant's presentation
- Submissions from Johanna M. Kristjansson; and a submission from the Developer which included correspondence from Gebran Fares, Rosette Fares, Donna Josephine Eisenhower, Alan Clarke, Panayota Sfalagakos, George Sfalagakos, Dale Mosher, Sherry Wiswell, Nadine Garrison, Arlin Muekinte, Rick Tanner, Michael Pelley, Shawn Karlas, Marilyn Royston, Jasmine Johnson, Krista Moore, S. Welsh, M. Martin, Nicole Beerler, Bernice Santy and Shane Miller, Ed Burke, William Warde, Sahi Nassallah, Sophia Nassallah, Eddie Myra, Frank P, Lawrence Conrad, Kurt Ryan, Jonathan Logan, Michael Bedford, Christine Pettipas and Bruce Holland

Mr. Myles Agar, Planner, Development Approvals, delivered a presentation on Case 16367: application of W.M. Fares Group on behalf of the property owners, 3156293 Nova Scotia Ltd. and Raymond A. Toulany, to amend the Herring Cove Road Municipal Planning Strategy (MPS) and Halifax Mainland Land Use-By-Law (LUB) to develop an apartment house (multi-unit residential building) at 286 and 290 Herring Cove Road, Halifax.

Councillor Hendsbee questioned whether the back parcel of the land could be subdivided and sold to the adjacent church for cemetery expansion. Mr. Agar clarified that the entire back portion of the site was a non-disturbance area, as identified on the map presented by staff, and could not be developed under the proposed agreement.

In response to questions raised by Councillor Adams around the buildable area under the present R-2 zoning, Mr. Agar clarified that the proposed subdivision is dictated based on road frontage and would yield approximately three to four lots with potentially eight units. He noted that the land behind the proposed subdivision did not have road frontage.

Councillor Adams asked staff to clarify what prevented a proposal for townhouse development coming forward. Mr. Agar advised that the site's land use designation is low density residential; however, the planning policy does allow Community Council to consider a Development Agreement for townhouses in medium density residential designation. Councillor Adams pointed out that low density allows for 42 units and medium density allow for 18 to 20 townhouse units in the proposed area. Mr. Agar confirmed that under existing provisions this was correct; but that the proposal before Council was to allow for 42 units on the proposed site through amendments to the MPS.

Councillor Adams provided background information around earlier discussions held four years ago and the premise of making changes to the MPS and LUB to allow for townhouse development in this area, and again questioned what prevented a townhouse proposal from coming forward for this site. Mr. Agar advised that staff followed the direction of Council to explore potential amendments for a multi-unit residential development on this site, as well as, the study area.

In response to a process question, Mr. Agar stated that the proposal was present as a series of amendments to the study area.

In response to a further question raised around the abutting property at 292 Herring Cove Road, Mr. Agar confirmed that this property was zoned R-2 and was large enough to allow for a two unit dwelling; as was being proposed, with the option of a third unit that would be subject to additional conditions.

The Mayor called for the Applicant to come forward and speak at this time.

Mr. Cesar Saleh, Professional Engineer with W.M. Fares Group, Applicant, spoke on behalf of their client 3156293 Nova Scotia Ltd. and Raymond A. Toulany, and delivered a presentation which included concept images of the site. In response to Councillor Adams' earlier question, Mr. Saleh indicated that during their initial site assessment the property was assessed for a townhouse proposal with 18 units; however, there were some challenges:

- grading issues: the property drops significantly in the back portion of the lot
- unable to meet wetland setback requirements under a townhouse proposal
- compatibility issues: there would be a greater disruption of the land as the townhouses would push further back onto Williams Lake Road and Colvis Avenue; whereas, under the present development, 74 percent property is green space with a large non-disturbance area in the back

For these reasons, W.M. Fares Group put forward an application for a four storey multi-residential building which steps down to three storeys in the back facing Williams Lake Road.

Mr. Saleh went on to conclude the following merits of the proposal:

- The proposed urban residential form presents a good redevelopment approach
- The site falls within a fully serviced area, has access to main bus routes, and is close to several recreational and amenity areas including shopping and schools
- The building is of high quality design and articulation; the distinct sections of the building facades with its proposed built form, materials, patterns, textures and colors provide a visually interesting building that is streetscape friendly
- The size, location and the orientation of the proposed building provides for maximum setbacks from adjacent dwellings, and ample green space
- Economically, this high quality infill development will increase tax revenue generated from existing infrastructure, bring more residents within walking distance of existing retail businesses; and encourage new infill development along Herring Cove Road
- Socially and environmentally, this high quality infill development will improve community vibrancy, public safety and provide new housing stock for new residents or existing residents who wish to move from their homes to new units and would like to stay in the community

Mr. Saleh closed by indicating that the proponent would be willing to support a recommendation to subdivide the back property if the agreement included this provision.

In response to a question raised by Councillor Hendsbee around encroachments, Mr. Saleh advised that the encroachments do not impact the proposed development as it is a non-disturbance area and could remain.

The Mayor reviewed the rules of procedure for public hearings, and opened the hearing for anyone wishing to speak.

Ms. Johanna Kristjansson, Williams Lake Road expressed concern with her home abutting 292 Herring Cove Road and stated the proposed development would dramatically affect her and her husband's lives. She noted that this parcel of land has been in question for the past 35 years, pointing out that at every public information meeting she has attended, the community has always stated they wanted the zoning to remain R-2. She commented that townhouses had been reviewed but never a development with 42 or 52 units and this was not in step with the community. Ms. Kristjansson clarified that the community was not against development but did not want it in this location. She highlighted that the community was made up of three streets with single family homes; and that she and her husband purchased their home over 16 years ago because the area had single family homes and they know their neighbours. She questioned how many people in a 42 unit building could say they know their neighbours. Ms. Kristjansson strongly urged Council not to support the proposal; expressing that the proponent knew that the community was not in support of the development on this parcel of land. In regards to the pocket park, Ms. Kristjansson suggested that it be named after the Yeadon family, whose homestead was on the property; adding that the Yeadon family owned 900 acres from Cowie Hill to Dentith Road, had four rock quarries and were in the area from the 1840s to the 1960s and still have extended family in the area. She further provided an example of her neighbour having lived in his home for the past 60 years and how neighbouring residents would not want to see a four storey building overshadowing their homes, gardens and yards.

Ms. Heather Whitehead of Spryfield indicated that the community of Spryfield has a brand of the Spryfield Village, Heartbeat of the Loop. Over time the community has been zoned with the idea of village feel. Properties are spaced out; there are areas for commercial and mixed use, which she expressed, was in keeping with the vision of a village. Ms. Whitehead referenced the C2-A zoning of 264 Herring Cove Road which has commercial, and that there was an exit road onto Colvis Avenue; suggesting that area would be a great location for a future large apartment building. She made similar comments around discussions held respecting a townhouse development; commenting that it would fit in with the village look. She pointed out that the proposed area was a rock pile, and further questioned why the process was being complicated with all the rezoning. She provided examples of properties currently zoned C2 proposed for rezoning; 9 Colvis Avenue, which has an apartment building and 15 Clovis Avenue, adding that the community supported those rezonings and did not want these properties to be rezoned. Ms. Whitehead went on to express concern that if the property at 292 Herring Cove Road was rezoned to allow a three unit building, the developer would then ask for it to be joined with the other properties to build a large building. She concluded that the entire study area was complicated and confusing to the community and reiterated the community's support for a townhouse development and a large apartment building not being a good fit for the proposed location.

Ms. Nancy Wooden, Chair of the Spryfield Residents Association echoed points made around the four year timeframe this matter has been ongoing and comments expressed by the community to keep the R2 zoning on the proposed site. She expressed concern with having to contact staff to seek clarification around the August 28, 2013 staff report. She questioned whether the change

in zoning would set precedence and be regretted in the future. She asked how far back the building was from the curb of the Herring Cove Road; adding that there was a small two lane driveway on one side of the building and asked where people traveling in a taxi would be dropped off as the Herring Cove Road was a busy four lane street. She sought confirmation around the property sloping; pointing out that photos did not show a slope, but that there was a significant slope into the swampland. She echoed points made around the property's R-2 zoning for two family dwellings and how the community had agreed to a proposed townhouse development and how the change in rezoning was confusing given the study area. Ms. Wooden suggested revisiting this matter in terms of whether to allow an apartment building or a townhouse development. Ms. Wooden commented that developers are in the business to make money; commenting that this developer did not purchase the property at an enhanced zoning but at an R-2 zoning and have had the property for a while and urged Council to review the situation.

Mr. William Hardwood, Williams Lake Road noted that his property backed on to proposed development. He agreed with previous speakers' comments around proposed amendments to the Land Use By-laws for 286 and 290 Herring Cove Road and surrounding affected areas. He questioned the process in regards to previous meetings wherein the community had told Mr. Agar that the proposed development was unacceptable, and had asked for an open dialog to consider keeping with the current Land Use By-laws for townhouse development. Mr. Hardwood indicated that two weeks ago he received a letter saying that staff and the developer were moving forward with the proposed plan. He questioned who in Council asked Mr. Agar to put this proposal together as it was against what the community had wanted. He expressed that the proposal was poorly designed, too large to be placed on the parcel of land, and how the building sits on the front of the designated area but the back was marsh lands. The building would also be located right on the city street and backs adjacent houses overlooking garden areas. Mr. Hardwood asked Council to consider sticking with the current LUB destinations

The Mayor asked if there were any further speakers, of which there were none. The Mayor called for the Applicant to come forward and speak at this time.

Mr. Saleh spoke to change not being easy and understood that there are concerns when a new development is proposed; but that there are good attributes of the proposal. Mr. Saleh indicated that over the past four years of work W.M. Fares Group has made every effort to respond to some of the public's concerns and the proposal has evolved from one concept to the next. He agreed that the site had a lot of history and they were trying to bring predictability. He expressed that HRM staff has done a good job assessing the area and addressing the public's concerns throughout the process. Mr. Saleh confirmed that the property does slope in the back but that the proposal was to develop on the front portion of the site. By moving the property forward, there is 30 to 500 feet of separation between the proposed building and the neighbouring buildings. Seventy-four percent of the site would remain green space, which he noted was important and good for the community. Mr. Saleh further responded that the proposal has a 15 to 20 foot setback from the Herring Cove Road, which enables for a green friendly streetscape with no parking in the front or asphalt. Across from the proposal there is a Sobeys and gas station, which he suggested does fit the streetscape and was compatible with some of the commercial uses on Herring Cove Road. Mr. Saleh further confirmed that vehicles could go in back of the property to drop passengers off and that there would be ample space to turn around; drivers would not

have to stop on Herring Cove Road. He concluded by asking Council to support staff's recommendation.

Councillor Adams asked Mr. Saleh to explain the rationale for not putting forward an application for townhouse development. Mr. Saleh reiterated earlier comments around the challenges of a townhouse proposal and it having a larger footprint than the proposed apartment building and would require excavating and disrupting 40 to 50 percent of the site in order to fit 18 townhouses; which they saw as environmentally unfriendly. Further, that the townhouse proposal did not meet the required wetland buffer, and there were compatibility issues with having to excavate behind the existing dwellings on Williams Lakes Road.

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

In response to a question raised by Councillor Mosher around height allowance, Mr. Agar advised that the LUB would require 35 feet for a townhouse development. He indicated that the C2-A zone allowed for a multi-unit residential building with a height restriction of four stories; not exceeding 50 feet, and reduces 10 to 12 feet for a three storey building. Mr. Agar was not aware of any particular requirements around height for a three storey multi-unit residential building.

In response to questions raised, Mr. Agar provided confirmation around the percentage of building footprint (14.2%), driveway and parking lot footprint (11.8%) and green space (74%) for the proposal.

In response to a question raised around subdivision of the wetland, Mr. Agar confirmed Section 3.7 of the proposed Development Agreement requires lot consolidation and therefore, the properties at 286 and 290 Herring Cove Road were to be consolidated together as one lot. Further, the proposed agreement does not contemplate further subdivision and clearly expresses that the lands in the rear are to be left in an undisturbed state.

Mr. John Traves, Municipal Solicitor reminded Council that the matter before them was a joint Public Hearing and all matters related to the Development Agreement, including the issues being raised around the possibility of subdividing the back lands, are for a matter of discussion or amendment at the Halifax and West Community Council meeting.

During the questions of clarification period, Councillor Whitman exited the meeting for a brief period but was still eligible to vote as the public hearing portion had been closed.

Councillor Hendsbee questioned whether the encroachment properties were required to be signatories on the Development Agreement. Mr. Kurt Pyle, Major Project Planner responded no because they were not part of the Development Agreement. He explained that this would be a civil matter between the applicant and the encroaching property owners.

MOVED by Councillor Mosher, seconded by Councillor Rankin that Halifax Regional Council approve the proposed amendments to the Halifax Municipal Planning Strategy

(MPS) and the Halifax Mainland Land Use By-law (LUB) as contained in Attachments A and B of the February 24, 2014 staff report.

Councillor Mosher spoke in support of the motion, indicating that the matter may seem complicated because there are other amendments as part of the development agreement package. She referenced the 1987 Mainland South Secondary Planning Strategy (MSSPS), noting that this area has not had major planning since that time and how she has been trying to address the commercial on Colvis Avenue. She commented that there are some good amendments to help clean up the zoning and ensure compatibility in this area. Councillor Mosher went on to note the Regional Plan Five Year Review (RP+5) and the Regional Plan 2006 as mentioned in staff's presentation and the area being an urban district growth centre. As well, the extensive Herring Cove Road Streetscape Study she and Councillor Adams took part in and had extensive consultation, surveys and meetings with the public, and was in concert with establishing a business commission. Councillor Mosher further spoke to local community groups doing their own consultation around walkable neighbourhoods. She highlighted the challenges of the area with residential homes and a pocket park being adjacent to commercial businesses. Councillor Mosher supported the proposal of a four storey building that stepped down to three storeys in the back, which gives people an opportunity to afford a one to two bedroom apartment. She commented on the community being an attractive and desirable area to live, highlighting the surrounding attributes to the proposed development. Councillor Mosher was pleased with the 14.2 percent building lot coverage with 74 percent green space and would be concerned with a townhouse proposal as it would reduce the green space with 40 to 50 percent lot coverage.

Referencing Section 10 of the MSSPS, Policy 1.2.6, Subsection K, in regard to cemeteries, Councillor Hendsbee suggested the Halifax and West Community Council consider adding a provision to the Development Agreement to allow for subdivision of a portion of the undisturbed property and allow it to be sold to the church for cemetery expansion.

Councillor Adams referenced a similar development that took place on Mayor Avenue that led to the discussions around a townhouse proposal and amendments to the LUB. He highlighted how this proposal had changed from a 52 unit building, to 62 units and now 42 units. He expressed that the current zoning would allow for 16 units, commenting that 18 townhouse units was not that far off. In speaking with residents, they would have preferred a townhouse development but unfortunately that was not compatible based on the reasons Mr. Saleh provided. Councillor Adams stated that the lot sizes area combined two acres and therefore one acre at the maximum would have been disturbed with a townhouse proposal. He appreciated that the property owner wanted to develop on the property but that he could not support the motion based on the discussions he had with residents. Councillor Adams added that this proposal was not located in District 9 (Armdale-Peninsula West).

Councillor Watts referenced submissions received from the Business Commission in support of the development, and comments and concerns expressed by residents surrounding the proposed development who were against the proposal and would be directly affected. She looked to Councillors Mosher and Adams for further comment.

Councillor Mosher referenced receipt of the 33 submissions in support of the proposal from the developer which were circulated to Council. She commented on the first application proposed that was out of scale and contrary to existing planning strategies and community feedback and visioning and understood the feedback received in support and opposed. She expressed that the development under R2 would be more obtrusive.

MOTION PUT AND PASSED. (10 in favour, 2 against)

In favour: Mayor Savage, Councillors Hendsbee, McCluskey, Mosher, Mason, Walker, Rankin, Whitman, Craig and Outhit.

Against: Councillors Watts and Adams.

Not present: Deputy Mayor Fisher, Councillors Dalrymple, Karsten, Nicoll and Johns.

Council recessed at 8:49 p.m. and reconvened at 8:57 p.m.

9.3 Case 17413 – Municipal Planning Strategy (MPS) and Land Use By-law (LUB) Amendments for 16 Mills Drive, Goodwood

The following was before Council:

- A recommendation report from Halifax and West Community Council dated October 9, 2013
- An extract of the Regional Council minutes of October 22, 2013
- A copy of staff's presentation
- A submission from Frank Johnston and Heather Johnston

Mr. Myles Agar, Planner, Development Approvals, delivered a presentation on Case 17413: application of Halifax C & D Recycling Limited to amend the Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) for Planning District 4 to enable expansion of the existing construction and demolition processing facility at 16 Mills Drive, Goodwood zoned (R2) on to 29,000 square feet of land (zoned I-I) which currently houses a tire storage facility.

The Mayor called for the Applicant to come forward and speak at this time.

Mr. Scott Kyle, Civil Engineer with Dillon Consulting Limited and resident of Bedford, indicated that his firm has provided engineering and environmental services to Halifax C & D Recycling Limited over the last 10 years; including services associated with this proposed property and plan amendment. On behalf of Halifax C & D, he confirmed that they concur with the findings and recommendations of the proposed planning amendment as presented in the August 28, 2013 staff report.

The Mayor reviewed the rules of procedure for public hearings, and opened the hearing, calling three times for anyone wishing speak; there being none it was **MOVED by Councillor Rankin, seconded by Councillor Watts that the public hearing close. MOTION PUT AND PASSED.**

MOVED by Councillor Adams, seconded by Councillor Rankin that Halifax Regional Council approve the proposed amendments to the Municipal Planning Strategy (MPS) and Land Use By-law for Planning District 4, as contained in Attachments A and B of the staff report dated August 28, 2013.

Councillor Adams spoke in support of the motion, understanding that there were concerns raised by residents, but that the amendment was to allow for expansion of an existing operation and not a new facility. He noted that the Comprehensive Development (CD) zoning was restrictive; whereas, the Industrial zoning allowed for a variety of potential uses. He further added that this work would be monitored by the Department of Environment and HRM staff.

Councillor Rankin spoke in support of the motion and agreed with Councillor Adams' points; adding that the intention and application of the rezoning would provide for better process and the efficiency of the existing services and was not to allow for greater volume to come into the facility. The industrial zone would be removed and licensing under the CS zoning would be the effect of a Development Agreement that would not be under I-I relative to environmental outcomes, water and buffer.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Deputy Mayor Fisher, Councillors Dalrymple, Karsten, Nicoll and Johns.

16. ADJOURNMENT

The meeting was adjourned at 9:14 p.m.

Cathy J. Mellett
Municipal Clerk