



**HALIFAX REGIONAL COUNCIL
MINUTES
April 28, 2015**

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

STAFF: Mr. Richard Butts, Chief Administrative Officer
Mr. John Traves, Municipal Solicitor
Ms. Cathy Mellett, Municipal Clerk
Ms. Sheilagh Edmonds, Legislative Assistant
Ms. Phoebe Smith, 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_2015-04-28_live.mp4.html

The agenda, supporting documents, and information items circulated to Council are available online:
<http://www.halifax.ca/council/agendasc/150428rc-agenda.php>

The meeting was called to order at 3:00 p.m and recessed at 5:26 p.m. Council reconvened in at 6:00 p.m. Council moved into an In Camera session at 9:07 and reconvened at 9:29 p.m. Council adjourned at 9:30 p.m.

1. INVOCATION

The Mayor called the meeting to order at 3:00 p.m. with a moment of reflection. Noting the recent earthquake in Nepal, the Mayor asked everyone to keep the people of Nepal in their thoughts.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillors noted a number of special community announcements and acknowledgements.

3. APPROVAL OF MINUTES – March 24 and 31, 2015

MOVED by Councillor McCluskey, seconded by Councillor Fisher that the minutes of March 24, 2015 and March 31, 2015 be approved. MOTION PUT AND PASSED.

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

Additions:

- 14.1 Federation of Canadian Municipalities (FCM) Resolution – Board Appointment
- 14.2 Councillor Adams – Fire Stations 62 and 63 – Timelines
- 14.3 Ratification of Motion of Committee of the Whole – Full Review of Final Budget – Proposed 2015/2016 Capital and Operating Budget

Council agreed to deal with item 14.3 immediately following item 10.2.

MOVED by Deputy Mayor Nicoll, seconded by Councillor Johns 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

7.1 Councillor Walker – That Regional Council rescind the motion passed at the January 14, 2014 meeting to approve that Regional Council:

- 1. Levy a new Storm water Charge for Right-of-Way costs of \$39 per Property on those properties that pay the Halifax Water Stormwater Charge, and,**
- 2. Request that Halifax Water collect the new Stormwater Charge for HRM through the Halifax Water billing process, commencing with the 2014-15 fiscal year.**

The following was before Council:

- Correspondence submitted from Donald Blakely
- An extract of Regional Council's January 14, 2014 minutes
- A report dated January 6, 2014 from the Chair of the Audit and Finance Standing Committee

MOVED by Councillor Walker, seconded by Councillor Karsten that Regional Council rescind the motion passed at the January 14, 2014 meeting to approve that Regional Council:

- 1. Levy a new Storm water Charge for Right-of-Way costs of \$39 per Property on those properties that pay the Halifax Water Stormwater Charge, and,**
- 2. Request that Halifax Water collect the new Stormwater Charge for HRM through the Halifax Water billing process, commencing with the 2014-15 fiscal year.**

Two-thirds majority vote required for the motion to pass.

Councillor Walker advised that if Council approves to rescind the motion, it is his intent to put forward a motion asking for a staff report that will outline options for consideration regarding the billing process for the Stormwater charge. He explained that since residents have received their bill from Halifax Water, he has received many questions and concerns with respect to the charge.

Councillor Whitman advised that he supported the motion to rescind and the request for a staff report. He added that he would like to see this fee and the 'ditch' fee rolled into one, and that he hoped the staff report would address this aspect.

Councillor Johns advised that initially he supported having the charge on the water bill, however, after speaking with residents, he has determined that the majority prefer to see it on their tax bill.

Councillor Adams pointed out that residents who were on well and a septic system found it confusing that they were receiving a bill from Halifax Water.

Councillor Outhit suggested that it was more open and transparent to show the charge on the water bill, and not on the tax bill. He noted that it is a water charge, therefore it should be shown on the bill of the utility who is charging the fee.

In response to a question of clarification, the Municipal Solicitor advised that should the motion to rescind pass, a report and recommendation would be coming forward and there would be no change for this year. Any changes would come into effect for next year.

Councillor Johns advised that should Council request a staff report, he would like the report to provide information on the funds HRM receives from Halifax Water, what the funds are committed to and for how long.

MOTION PUT PASSED. (15 in favour, 2 against)

In favour: Mayor Savage; Deputy Mayor Nicoll; and Councillors: Dalrymple, Karsten, McCluskey, Fisher, Mason, Watts, Mosher, Walker, Adams, Rankin, Whitman, Johns, and Craig.

Against: Councillors Hendsbee and Outhit

MOVED by Councillor Walker, seconded by Deputy Mayor Nicoll that a staff report be completed before the end of June to look at options for Stormwater Charges for Right-of-Way costs for future fiscal years.

MOTION PUT AND PASSED. (15 in favour, 1 against)

In favour: Mayor Savage; Deputy Mayor Nicoll; and Councillors: Dalrymple, Karsten, McCluskey, Fisher, Mason, Watts, Mosher, Walker, Rankin, Whitman, Craig, Johns, and Outhit.

Against: Councillor Hendsbee

Not Present: Councillor Adams

8. CONSIDERATION OF DEFERRED BUSINESS – NONE

9. PUBLIC HEARINGS

9.1 Case 19516 – Rezoning and Land Use By-law (LUB) Amendments – St. David’s Church Hall (1537 Brunswick Street) and portion of the former Halifax Memorial Library site, Halifax

The public hearing was dealt with later in the meeting. See page 10 for details.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence

The Clerk noted that correspondence was received for items: 7.1, 11.1.6, and 11.4.2. This correspondence was circulated to Council. For a detailed list of correspondence received refer to the specific agenda item.

10.2 Petitions

10.2.1 Councillor Mosher

Councillor Mosher submitted a petition with 408 signatures requesting that Bus Route #1 continue along Oxford Street as part of its designated route. Councillor Mosher noted that Ardmore Park is being considered for an accessible dog serviced dog park and if this section of the bus route were discontinued it would have a negative impact on users of the park.

14.3 Ratification of Motion of Committee of the Whole – Full Review of Final Budget – Proposed 2015/2016 Capital and Operating Budget

Council ratified the motion from Committee of the Whole as follows:

MOVED by Deputy Mayor Nicoll, seconded by Councillor Mason that Halifax Regional Council:

- 1. Approve the proposed 2015/2016 Budget as presented, which include the addition of the following funded services and initiatives to the draft budget presented at COW:**
 - a. Fire - \$309.5K for seven Firefighters and uniforms**
 - b. Capital - \$30K for additional equipment required for additional Firefighters.**
 - c. Planning & Development - \$210K for Lake Banook\Micmac Weed Harvesting**
 - d. Corporate Accounts - \$4.2M for Strategic Capital Projects Reserve**
- 2. Recommend Halifax Regional Council approve the 2015/2016 Capital and Operating Budget, including adjustments approved by Committee of the Whole on March 25, 2015 as per Attachment A – “Resolution for Approval of Operating and Capital Budget, and Tax Rates for Fiscal 2015/16,” of the staff report dated April 14, 2015 including**
 - a. the Advance Capital Funding detailed in Schedule 1;**
 - b. the Withdrawal from Reserves detailed in Schedule 2; and,**
 - c. the Reduction and Transfer of Capital Funding detailed in Schedule 3.**

Resolution:

It is hereby resolved that:

- a) the Operating Budget in the amount of \$869,244,500 gross expenditures (which includes \$727,217,500 in municipal expenditures including the reserve withdrawals specified in the Operating and Project Budget); \$653,885,800 in property tax revenues (including area rate revenues) and \$215,358,700 in other revenues be approved;**

- b) the Capital Budget in the amount of \$135,804,000 be approved;
- c) the general rates of taxation on residential and resource property be set at
 - (i) \$0.669 for the urban area
 - (ii) \$0.636 for the suburban area; and
 - (iii) \$0.636 for the rural areaper \$100 of taxable assessment;
- d) the general rates of taxation on commercial property be set at
 - (i) \$2.895 for the urban area;
 - (ii) \$2.895 for the suburban area; and
 - (iii) \$2.566 for the rural areaper \$100 of taxable assessment;
- e) the Halifax Transit Annual Service Plan and the tax rates associated with Transit Taxation be set at
 - (i) \$0.049 for the Regional Transportation tax rate;
 - (ii) \$0.102 for the Local Transit tax rateper \$100 of taxable assessment;
- f)
 - (i) the boundaries of the urban, suburban and rural areas are delineated in the attached “Tax Structure Map” of the staff report dated April 14, 2015;
 - (ii) the boundary of the Regional Transportation area includes all properties within communities included within the attached “Regional Transportation map” of the staff report dated April 14, 2015;
 - (iii) the boundary for the Local Transit area includes all properties within 1km walking distance of any HRM transit stop.
- g) Fire Protection rates shall be set at the rate of \$0.019 per \$100 for all residential and resource assessment and at \$0.053 per \$100 of the commercial assessment for properties which are within 1,200 feet of a hydrant that is designed and operated for public fire protection purposes.
- h) the final tax bills will become due on Friday, October 30, 2015;
- i) the Stormwater Right-of-Way charge shall be set at \$41 per property for those properties that are charged the Halifax Water Stormwater Charge;
- j) the interest rate on the Special Reserve Funds, designated as requiring interest under Section 121(2) of the Halifax Charter, be set at the rate of return on funds invested by HRM for the period April 1, 2015 to March 31, 2016;
- k) the interest rate on all reserves except for those identified in (j) above will be set at the rate of return on funds invested by HRM for the period April 1, 2015 to March 31, 2016;
- l) approve in advance, the 2016-2017 and 2017-2018 Budget and Capital Funding amounts of \$107,730,000 for the 2015/16 fiscal year, for the multi-year projects listed in Schedule 1 of the staff report dated April 14, 2015;
- m) approve the 2015/16 Withdrawals from Reserves as detailed in Schedule 2 of the staff report dated April 14, 2015;
- n) approve the reduction of funding, and a corresponding transfer of that capital funding to the Studies Reserve and the Operating Budget, for the Capital Projects detailed in Schedule 3 of the staff report dated April 14, 2015 and the closure of these capital projects, when appropriate;

and;

3. Approve the Halifax Regional Police 2015-2016 Operating Budget of \$77,082,800.00.

MOTION PUT AND PASSED. (12 in favour, 5 against)

In favour: Mayor Savage; Deputy Mayor Nicoll; and Councillors: Hendsbee, Karsten, McCluskey, Fisher, Mason, Watts, Walker, Rankin, Johns, and Craig.

Against: Councillors: Dalrymple, Mosher, Adams, Whitman, and Outhit

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Award Tender No. 15-161 – Emera Oval Phase II (Pavilion)

The following was before Council:

- A staff recommendation report dated April 2, 2015.

MOVED by Councillor Watts, seconded by Councillor Mason that Halifax Regional Council award Tender No. 15-161, Emera Oval Phase II (Pavilion), to the lowest bidder meeting specifications, Seagate Construction Inc., for a total Tender price of \$2,567,271.03 (Net HST Included), with funding from CBX01344 – Outdoor Arena Legacy Project, as outlined in the Financial Implications section of the April 2, 2015 staff report.

Mr. Brad Anguish, Director, Parks and Recreations, Mr. Terry Gallagher, Manager, Facility Design and Construction, and Mr. Michael MacDonald, Corporate Facility Design and Construction responded to questions.

MOTION PUT AND PASSED. (15 in favour, 1 against)

In favour: Mayor Savage; Deputy Mayor Nicoll; and Councillors: Dalrymple, Hendsbee, Karsten, McCluskey, Fisher, Mason, Watts, Mosher, Walker, Adams, Rankin, Craig, and Outhit.

Against: Councillor Whitman

Not present: Councillor Johns

11.1.2 Award – Tender No. 15-222, Pavement Markings – West Region

The following was before Council:

- A staff recommendation report dated March 25, 2015

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

- 1. Award Tender No. 15-222 – Pavement Markings – West Regional to Provincial Pavement Markings Inc. for material and services listed at the unit prices quoted for a Total Tender Price of \$246,912.75 (net HST included) for Year One (1) of the contract, May 1, 2015 to September 30, 2015 with funding from Operating Account No. R747 6399 – Traffic Signs and R719 6399 Asphalt West as outlined in the Budget Implications section of the March 25, 2015 staff report;**
- 2. Approve the award for Year Two (2) of the contract, May 1, 2016 to September 30, 2016 to Provincial Pavement Markings Inc. for \$258,415.23 (net HST included) contingent upon an annual performance review and budget allocation; and**

3. **Approve the award for Year Three (3) of the contract, May 1, 2017 to September 30, 2017 to Provincial Pavement Markings Inc. for \$270,376.57 (net HST included) contingent upon an annual performance review and budget allocation.**

Ms. Tanya Davis, Senior Traffic Operations Engineer responded to questions.

MOTION PUT AND PASSED. (15 in favour, 1 against)

In favour: Mayor Savage; Deputy Mayor Nicoll; and Councillors: Dalrymple, Hendsbee, Karsten, McCluskey, Fisher, Mason, Watts, Mosher, Walker, Adams, Rankin, Craig and Outhit.

Against: Councillor Whitman

Not present: Councillor Johns

11.1.3 Award – Tender No. 15-221, Pavement Markings – East/Central Regions

The following was before Council:

- A staff recommendation report dated March 25, 2015

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

1. **Award Tender No. 15-221 – Pavement Markings – East/Central Regions to Carvery's Construction Limited for material and services listed at the unit prices quoted for a Total Tender Price of \$295,326.22 (net HST included) for Year One (1) of the contract, May 1, 2015 to September 30, 2015 with funding from Operating Account No. R718 6399 – Asphalt East and R747 6399 – Traffic Signs as outlined in the Budget Implications section of the March 25, 2015 staff report;**
2. **Approve the award for Year Two (2) of the contract, May 1, 2016 to September 30, 2016 to Carvery's Construction Limited for \$308,028.25 (net HST included) contingent upon an annual performance review and budget allocations; and**
3. **Approve the award for Year Three (3) of the contract, May 1, 2017 to September 30, 2017 to Carvery's construction Limited for \$308,028.25 (net HST included) contingent upon an annual performance review and budget allocation.**

MOTION PUT AND PASSED. (15 in favour, 1 against)

In favour: Mayor Savage; Deputy Mayor Nicoll; and Councillors: Dalrymple, Hendsbee, Karsten, McCluskey, Fisher, Mason, Watts, Mosher, Walker, Adams, Rankin, Craig and Outhit.

Against: Councillor Whitman

Not present: Councillor Johns

11.1.4 Award – Unit Price Tender No. 15-026, Traffic Signal Maintenance

The following was before Council:

- A staff recommendation report dated March 27, 2015.

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

1. **Award Tender No. 15-026 to Black and McDonald Ltd. for material and services listed at the unit prices quoted for a Total Tender Price of \$687,613.66 (net HST included) for year One (1) of the contract, May 1, 2015 to March 31, 2016, with funding from Operating Account No. R827-6399 Traffic Signal Maintenance as outlined in the Budget Implications section of the March 27, 2015 staff report;**

2. Approve the award for Year Two (2) of the contract, April 1, 2016 to March 31, 2017 to Black & McDonald Ltd. For \$698,481.70 (net HST included) contingent upon an annual performance review and budget allocation.
3. Approve the award for Year Three (3) of the contract, April 1, 2017 to March 31, 2018 to Black & McDonald Ltd. for \$709,172.08 (net HST included) contingent upon an annual performance review and budget allocation.

MOTION PUT AND PASSED. (15 in favour, 1 against)

In favour: Mayor Savage; Deputy Mayor Nicoll; and Councillors: Dalrymple, Hendsbee, Karsten, McCluskey, Fisher, Mason, Watts, Mosher, Walker, Adams, Rankin, Craig and Outhit.

Against: Councillor Whitman

Not present: Councillor Johns

11.1.5 Case 19156 – Incentive or Bonus Zoning Agreement – Mixed-Use Development at 5268 and 5262 Sackville Street and 1593 Market Street, Halifax

The following was before Council:

- A staff recommendation report dated April 2, 2015.

MOVED by Councillor Mason, seconded by Councillor Karsten that Halifax Regional Council adopt, by resolution, the Incentive or Bonus Zoning Agreement as provided in “Attachment A” of the April 2, 2015 staff report for the mixed-use development at 5262 and 5268 Sackville Street and 1593 Market Street in Halifax, and authorize the Mayor and Clerk to enter into and execute an agreement with the property owner regarding sustainable building practices.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Johns

11.1.6 Case 19461 – Amendment to the Planning Districts 1 and 3 Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to enable an asphalt plant on lands west of Little Indian Lake, head of St. Margaret’s Bay

The following was before Council:

- A staff recommendation report dated March 31, 2015.

MOVED by Councillor Whitman, seconded by Councillor Rankin that Halifax Regional Council direct staff to initiate the process to consider amending the Planning Districts 1 and 3 Municipal Planning Strategy and Halifax Land Use By-law:

1. To enable an asphalt plant for lands north of Highway 103 and west of Little Indian Lake, Head of St. Margaret’s Bay, as identified on Map 1 of the March 31, 2015 staff report; and
2. Direct staff to follow the public participation program for municipal planning strategy amendments that was adopted by Regional Council on February 27, 1997.

Mr. Andrew Bone, Senior Planner responded to questions.

In response to a question by Councillor Dalrymple, Mr. Bone advised that it is staff’s understanding the road access to the asphalt plant would be from the Ingraпорт Interchange. He noted that staff will verify this with the Province.

In response to a question of clarification by Councillor Watts, Mr. Bone explained that the applicant is asking the Municipality to look at the Municipal Plan, which currently does not permit an asphalt plant in this location, and to initiate a process to review whether this use should be permitted. He added that

staff believes there is merit in looking into this matter and, if Council approves the recommendation, staff will look at options, make a determination, and then bring a recommendation to Council.

Councillor Hendsbee asked that staff's report consider whether this is one application for one site or whether it could be a blanket policy for other asphalt plants. He also asked that the report provide information on the Ingra Airport Interchange and access to the plant, and how this application differs or is the same as provincial contracts.

MOTION PUT AND PASSED. (14 in favour, 2 against)

In favour: Mayor Savage; Deputy Mayor Nicoll; and Councillors Hendsbee, Karsten, McCluskey, Fisher, Watts, Mosher, Walker, Adams, Rankin, Whitman, Craig, and Outhit.

Against: Councillors Dalrymple and Mason

Not present: Councillor Johns

11.1.7 Sole Source Award – Fibre Optic Network Relocation

The following was before Council:

- A staff recommendation report dated April 1, 2015.

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

1. In accordance with the sole source provisions of Administrative Order 35, Section 8(11)(A) subsection (a) "to ensure compatibility with existing products, to recognize exclusive rights, such as exclusive licenses, copyright and patent rights, or to maintain specialized products that must be maintained by the manufacturer or its representative" award a sole source purchase to Internetworking Atlantic Inc. for the construction of a new fibre connection over the MacKay bridge in the amount of \$215,585.23 (net HST included), with funding from Project No. CI000004 – Infrastructure Recapitalization, with an annual maintenance fee of \$11,732.18 (net HST included) payable over a twenty (20) year period;
2. Authorize and direct the CAO or his delegates to negotiate a new master service agreement ("MSA") with Internetworking Atlantic Inc.(IAI) in respect of (i) the construction and maintenance of a new fibre connection over the MacKay bridge and (ii) existing fibre optic product and services detailed in this report, that meets the requirements of the Municipality (to the satisfaction of the CAO) and accords with the Financial Implications section of and key terms set out in the April 1, 2015 staff report;
3. Authorize the CAO to execute the MSA on behalf of the Municipality for a twenty (20) year renewable term at an anticipated annual maintenance cost of \$50,336.77 (net HST included), subject to successful negotiation of terms and conditions agreeable to the CAO and subject to Ministerial approval. The annual maintenance fees will pay for the upkeep of the new fibre connection over the MacKay Bridge (\$11,732.18, net HST included) and existing fibre optic product and services (\$38,604.59, net HST included). The net present value of the MSA is \$1,464,336.53 (net HST included), comprised of the installation costs over the MacKay Bridge in the amount of \$215,585.23 (net HST included) and twenty (20) years of annual maintenance fees totalling \$1,248,751.30 (net HST included);
4. Instruct staff to seek Ministerial approval for this multi-year commitment to expend funds in excess of five hundred thousand dollars (\$500,000) once the terms and conditions of the MSA have been finalized; and
5. Authorize the CAO or his delegate to purchase from IAI additional fibre optic network components and/or fibre optic lateral connections during the term of the contract, and to amend the contract accordingly, where the purchase is necessary to achieve HRM's operational requirements and the total expenditure is budgeted and within their delegated authorities for sole source awards as approved by Council in Administrative Order 35, Procurement Policy, as may be amended at Council's discretion.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Rankin and Johns

11.1.8 Property matter – 220 Lake Loon Road and 266 Cherry Brook Road

The following was before Council:

- A supplementary staff recommendation report dated April 15, 2015.
- An extract of the Regional Council December 9, 2014 minutes.

MOVED by Deputy Mayor Nicoll, seconded by Councillor Hendsbee that Halifax Regional Council:

- 1. Declare the property located at 220 Lake Loon Road, Cherry Brook (PID# 00624486 as shown on Attachment 1 of the April 15, 2015 staff supplementary report) surplus to municipal purposes and categorize the property as Community Interest for the purpose of Administrative Order 50, Respecting the Disposal of Surplus Real Property; and**
- 2. Declare a portion of the property located at 266 Cherry Brook Road (PID#00624155 as shown on Attachment 1 of the April 15, 2015 staff supplementary report) surplus to municipal purposes and categorize the property as Community Interest for the purposes of Administrative Order 50, Respecting the Disposal of Surplus Real Property, if required to be subdivided for support services.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Rankin and Johns

Council recessed at 5:26 p.m.

Council reconvened at 6:00 p.m. Councillor Johns was not present.

9. PUBLIC HEARINGS

9.1 Case 19516 – Rezoning and Land Use By-law (LUB) Amendments – St. David’s Church Hall (1537 Brunswick Street) and portion of the former Halifax Memorial Library site, Halifax

The following was before Council:

- A report from the Design Review Committee dated March 19, 2015 with attached staff recommendation report dated February 2, 2015.
- A report from the Heritage Advisory Committee dated March 23, 2015 with attached staff recommendation report dated February 2, 2015.
- An extract of the draft Regional Council minutes of March 31, 2015.
- A copy of the staff presentation dated April 28, 2015.
- Correspondence dated April 28, 2015 from Noel Fowler.

Mr. Paul Sampson, Planning and Development, presented Case 19516 as detailed in the staff report dated February 2, 2015.

As there were no questions of clarification, Mayor Savage opened the public hearing and invited the applicant to come forward and address Council.

Mr. Mac MacKay, Halifax, advised that he was a parishioner of St. David’s Church and provided commentary with respect to the church’s history. He explained that while the main church building founded in 1869, which holds municipal and provincial heritage status is regularly used, the adjacent hall is underutilized and costs a considerable amount to maintain. He requested that Council support the

motion to enable St. David's to build a commercial space that would provide income to support the work of the church including maintenance of the heritage property.

Mr. Ronald Smith, Halifax, Senior Architect at Studioworks spoke on behalf of the applicant. He advised that the application for deregistration of the hall as a heritage site has been approved by the province while the church itself will be maintained as a heritage property, both municipally and provincially. He noted that as the church hall was built on a burial ground, there will be an archeological study and any remains will be interred in the church crypt. He explained that other churches in HRM have been pursuing similar endeavours to generate income and asked Council to support the application.

Councillor Whitman requested clarification from the applicant on the appearance of the proposed building to get a sense of how it will fit in with neighbouring properties. Mr. Sampson noted that he did have images he could present to Council, but that the current discussion is limited to the rezoning and not building design.

Mr. John Traves, Municipal Solicitor reminded Council that it delegated the question of building design to the Design Review Committee and that was not germane to this proceeding, which is only concerned with the rezoning. He advised that viewing the images at this time could lead to potential future challenges.

Councillor McCluskey requested clarification on the proposal to change the streetwall setback.

Mr. Sampson responded that the proposal would change the streetwall setback from four meters to between zero and one and a half metres to allow a future building to be built on or closer to the front property line than is currently allowed. The report indicates that if Council were to decide to rezone, then a reduction in the setback would also be appropriate.

Mr. Bob Bjerke, Chief Planner and Director of Planning and Development added that this approach would allow the property to immediately abut the sidewalk which is consistent throughout the Downtown Halifax Plan area.

Councillor Hendsbee noted that he agreed with Councillor Whitman that Council should be able to see the rendition of the proposed development as it was presented to the Heritage Advisory Committee. Mr. Traves clarified that Councillors may ask for questions of clarification with respect to what could be built on the site as a result of the rezoning, but should not get into specifics of a particular structure that should be before the Design Review Committee.

Councillor Rankin requested clarification on what basis Council may reject an application for rezoning. Mr. Bjerke responded that question is whether in Council's consideration, a change in zone for the property is appropriate. He noted further that any renditions or other images are hypothetical and that there is a process for the building design to be reviewed.

Councillor Adams requested details of the proposed setbacks on all four sides of the property. Mr. Sampson responded that there is currently no required setback from other property lines. The front of the property currently requires a four metre setback.

Mayor Savage read the rules of procedure respecting public hearings and invited members of the public to come forward and address Regional Council with respect to Case 19516.

Ms. Nicole Watkins Campbell, Halifax, noted that she is member of St. David's Church and Chair of the Mission and Outreach committee. She spoke to the work done by the church to support the community, highlighting the importance of their work to many different groups in the area. She urged Council to support the rezoning.

Ms. Kathy Large, Halifax, identified herself as a member of the St. David's Church congregation and urged Council to support the changes that she believes the congregation needs. She argued that the

rezoning is required to support the work done by the church and highlighted the Friday morning breakfast program as something that is very important to the greater community.

Mr. Eric Tompson, Halifax, advised that he represents 3278915 Nova Scotia Limited, the developer that is looking to work in partnership with St. David's. He noted that he is also the Warden at Apostles Anglican Church and relayed his experience with the amalgamation process of Halifax's Anglican churches. He highlighted that churches are volunteer driven and noted the pressures of property maintenance and dwindling congregations. Mr. Tompson urged Council to approve the staff recommendation.

Mr. Bill Campbell, Halifax, referenced the complexities of the case being considered today. He asserted his opinion that a building that could be built today without the rezoning would have the same by right controls as it would with the proposed rezoning. He expressed his belief that the proposed development would be beneficial to all involved; the church would gain financial sustainability, the developers would receive cash-flow from the residential units and commercial components, and the municipality would enjoy an increase in the number of people in the downtown area.

Mr. Ross Cantwell, Halifax, described himself as an advisor to St. David's on this proposal and a supporter of the project. He noted that the congregation had considered other options, but that he believes this to be the right decision for the church to become financially self-reliant. He highlighted the benefits to the municipality of filling a hole in the streetscape and building new commercial and high quality rental accommodation downtown. He urged Council to support the proposal.

Mr. Noel Fowler, Halifax, noted that he was the architect for Sentry Place, the building adjacent to the St David's property, and a member of the Design Review Committee who has recused himself from consideration of this case. He noted that the Design Review Committee has no influence on the building height, setback, and other considerations. He expressed concern that the new building would block windows in Sentry Place and reduce the property value. He requested that Council consider the impact the development would have on adjacent properties and defer any decision on rezoning pending the development of a design solution that would be mutually beneficial to St. David's Church and Sentry Place.

In response to a question of clarification from Councillor Whitman, Mr. Fowler noted that the owner of Sentry Place had contacted St. David's to discuss the matter and was told that the developer would contact him, but that has not yet happened.

The Mayor called three times for anyone else wishing to speak; there being none, it was **MOVED by Councillor Watts, seconded by Councillor Whitman that the public hearing close. MOTION PUT AND PASSED.**

Mayor Savage noted that the applicant should have been provided with an opportunity to address the comments during the public hearing and with Council's assent, invited the applicant to come forward.

In response to a question from Councillor Adams, Mr. MacKay advised that the property owners are the trustees of St. David's Church. He noted that there are four trustees including himself and another member of the public in attendance. He commented that the developer has not completed the design of the project, and that he would be consulting with neighbours. He noted further that there have been discussions with neighbouring property owners, but not on the subject of the building design.

MOVED by Councillor Mason, seconded by Councillor Fisher that Halifax Regional Council adopt the proposed amendments to the Downtown Halifax Land Use By-law to rezone the western portion of 1537 Brunswick Street and the northern portion of 5381 Spring Garden Road, Halifax from the ICO (Institutional, Cultural and Open Space) Zone to DH-1 (Downtown Halifax) Zone and amend the streetwall setback for 1537 Brunswick Street from 4 metres to between 0-1.5 metres, as contained in Attachment A of the staff report dated February 2, 2015.

Councillor Mason noted that the community has been mainly supportive of this motion and addressed the concern that the proposed building would block natural light from neighbouring buildings noting that in the past Council has ruled that adjacent property owners do not have a right to natural light and views. He questioned whether the Design Review Committee has the authority to comment on this issue.

Mr. Sampson responded that the Committee would only deal with qualitative elements. He explained that current zoning would allow a building on the site that would block the view from Sentry Place, but it would be restricted to institutional, cultural, or open space uses.

Councillor Watts asked for clarity with respect to the role of the development officer and Design Review Committee in the site plan approval process. Mr. Sampson responded that the development officer reviews the Municipal Planning Strategy and zoning requirements to determine whether the proposal conflicts with any regulations and the Design Review Committee can approve or refuse variances to these requirements.

Councillor Watts noted that a member of the public had requested a deferral during the public hearing and questioned what the process of deferring the motion would entail. Mr. Traves responded that Council could defer the motion for a period of time, but there would need to be justification that some action has taken place before the matter returns to Council. Councillor Watts noted that the request for deferral was in relation to the design of the building, but the issue before Council is in regard to zoning where there is no justification for a deferral.

Councillor Adams asked staff to confirm that if the motion before Council tonight is passed, there will be no setback from the side or rear property lines. Mr. Sampson responded that there is no requirement for a setback on those three sides, but that the Design Review Committee would be responsible for examining the building design including setbacks. He noted further that the by-law and the planning strategy encourage minimal or no setbacks.

Councillor McCluskey requested confirmation from staff that buildings can be built against each other, blocking windows. Mr. Bjerke noted that the sides of many downtown buildings directly abut each other. He advised that in the downtown plan only towers above the streetwall height would have side windows as well as a setback for light penetration.

Councillor McCluskey followed up by asking whether the adjacent building has side windows. Mr. Bjerke responded that he could not speak to that building in particular, but noted that a building would generally require a setback to allow fire access if there are windows on the side.

Councillor Walker expressed concern that the neighbours had yet not been consulted and requested details on what would be moved to the crypt from the burial grounds.

Mr. Bjerke noted that if the motion before Council is approved, the applicant will be able to submit an application for a development that would initiate the administrative review process to consider these elements. In response to a follow-up question from Councillor Whitman, Mr. Bjerke noted that the question of how the burial grounds would be dealt with are not a part of the rezoning process and thus not relevant to the decision before Council at this time, rather it would be a part of the review process.

MOTION PUT AND PASSED. (14 in favour, 2 against)

In favour: Mayor Savage, Deputy Major Nicoll, Councillors: Dalrymple, Hendsbee, Karsten, McCluskey, Fisher, Mason, Watts, Mosher, Walker, Rankin, Craig, and Outhit.

Against: Councillor Whitman and Councillor Adams

Not present: Councillor Johns

11.2 COMMUNITY PLANNING & ECONOMIC DEVELOPMENT STANDING COMMITTEE

11.2.1 Case 18166 – Developing a New Telecommunication Tower Protocol

The following was before Council:

- A report dated April 20, 2015, with attached staff recommendation report dated March 3, 2015.

MOVED by Councillor Mason, seconded by Deputy Mayor Nicoll that Halifax Regional Council direct staff to:

- 1. Consult with industry stakeholders on Option 2, as outlined in the March 3, 2015 staff report for a new telecommunications tower application process for HRM; and**
- 2. Develop a new HRM telecommunications tower protocol based on Option 2 as outlined in the March 3, 2015 staff report and the FCM/CWTA “Antenna System Siting Protocol Template”**

Councillor Mason advised that in his view, this motion would create a more logical process that expedites the evaluation of applications by staff and manages public expectations.

Councillor Hendsbee noted that he would like staff to consider how the province could be engaged on this matter. He requested the motion be amended to include an additional option inquiring about provincial participation.

Mr. Richard Butts, Chief Administrative Officer advised that such an amendment would result in a significant delay. Mr. John Traves, Municipal Solicitor noted that the impetus to this process was Industry Canada's requirement that the municipality be consulted, and that provincial involvement is not precluded.

Councillor Rankin requested confirmation that an Administrative Order would be developed to carry out the functions described in the report. He noted that the proposed process would clarify for the public that Council is not responsible or accountable for these matters. Mr. Traves confirmed that an Administrative Order would come to Council, and that it would include a checklist to cover all relevant considerations and ensure information is provided in a timely manner.

Councillor Mosher provided commentary with respect to the utility of telecommunication tower public consultations and questioned how staff would obtain resident input under the proposed process. She requested that Councillors be notified when there is an application for a tower within the district they represent.

Mr. Carl Purvis, Supervisor of Community Planning responded that under the proposed process, public consultations would occur unless all criteria were met. He explained that the process was designed to incentivize applications to build in low impact areas.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Johns

11.3 ENVIRONMENT AND SUSTAINABILITY STANDING COMMITTEE

11.3.1 Tantallon, Musquodoboit and Porters Lake Watershed Studies

The following was before Council:

- A recommendation report dated April 7, 2015, with attached staff recommendation report dated February 5, 2015.

MOVED by Councillor Watts, seconded by Councillor Hendsbee that the Tantallon Watershed Servicing Report, the Porters Lake Watershed Servicing Study Report and the Musquodoboit

Harbour Watershed Study Report be accepted as background for future planning in these communities.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Johns

11.4 MEMBERS OF COUNCIL

11.4.1 Councillor Outhit – Maintain a portion of surplus municipal property at 18 Scotia Drive, Bedford as public open space

The following was before Council:

- A Councillor Request for Consideration Form.

Councillor Outhit noted that Council had previously given direction to declare the Waverley Road School in Bedford as surplus property, but it was not clear at the time that the newly built playground behind the school would be sold with that land. He requested staff to consider how to retain the small portion of the property containing the playground.

MOVED by Councillor Outhit, seconded by Councillor Whitman that Halifax Regional Council request staff to explore any requirements for retention of a portion of the surplus municipal property at 18 Scotia Drive, Bedford, PID# 00428961, for the purposes of public open space which a portion of the property currently provides and prepare a report for Council's consideration.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Johns

11.4.2 Councillors Mason and Outhit – Commercial Tax Options Analysis

The following was before Council:

- A Councillor Request for Consideration Form.
- Correspondence dated April 28, 2015 from Steve Earle, Karla Nicholson, Patricia Cuttell, Paul MacKinnon, Juanita Spencer, Tim Rissesco, Bruce Holland, and Michelle Champniss.

MOVED by Councillor Mason, seconded by Councillor Outhit that Halifax Regional Council request a staff report and recommendations for changes to the commercial tax structure and for implementation approaches that shall:

- **Address concerns regarding small and independent businesses in the central business district and main street and commercial corridors**
- **Outline options to address these issues**
- **Contain pros and cons of various courses of action**
- **Be returned for Council consideration no later than October 2015 so consideration can be given by Council prior to the 2016/2017 budget.**

Councillor Mason noted that he did not want the motion to be overly prescriptive and sought commentary from staff on what type of direction would be most helpful, in particular with respect to community consultation. He referenced correspondence requesting Council to direct staff to create a working group with a stakeholder advisory board that would include all Halifax Business Improvement Districts.

Mr. Greg Keefe, Director of Finance and ICT expressed his opinion that an advisory board may not be the most expeditious way to address the matter. He noted that consultation would be a key element of the process of generating the staff report. Councillor Mason indicated his agreement that as long as all Business Improvement Districts are consulted, there is no requirement for a formal advisory structure.

Mr. John Traves, Municipal Solicitor noted that a staff report on this subject would be helpful for the ongoing Charter project, as it would generate discussion and possible items for Council to put forward to the province for legislative tax reform.

Councillor Karsten requested a friendly amendment to the motion that would include the word "potential" before recommendations in order to allow staff more flexibility. Councillor Mason accepted the amendment as friendly.

Councillor Walker noted that he would like staff to consider taxes based on square footage rather than assessment and to look at the whole of the Municipality not just Business Improvement Districts.

Councillor Mosher noted significant increases in commercial property tax rates in the Quinpool and Spryfield areas and recommended the establishment of a cohesive working group with all stakeholders including the provincial government. She expressed concern that the motion was too prescriptive.

Councillor Rankin advised that the language in the motion included undefined terms such as "independent" and "small business," and expressed his concern that the problem was insufficiently identified. He noted that staff has previously recommended not to initiate tax reform without first establishing fundamental principles.

Councillor Outhit noted that other levels of government have small business programs and commented that it is important to grow the Municipality's commercial tax base.

Mr. Greg Keefe, Director of Finance and ICT noted that there are many misconceptions regarding commercial tax rates and suggested that a staff report could bring some clarity to the issue. He noted further that if the Municipality does not take action there is a risk that an assessment cap could be imposed by the provincial government.

Councillor McCluskey advised that the assessment system, while not perfect, is used across Canada. She suggested it would be appropriate to consider phasing the commercial rate closer to the residential rate. She agreed with other Councillors that suggested the staff report should consider all small businesses, not only those on main streets and in commercial corridors and indicated her support for re-examining the tax rate.

Mr. Richard Butts, Chief Administrative Officer, responding to Councillor Outhit's comments, advised that other levels of government are able to designate small business through their corporate tax returns, but municipal government does not have this option.

Councillor Dalrymple requested the motion be amended to remove the phrase "in the central business district and main street and commercial corridors." Councillor Mason accepted the amendment as friendly.

The motion on the floor with amendments now reads:

MOVED by Councillor Mason, seconded by Councillor Outhit that Halifax Regional Council request a staff report and recommendations for potential changes to the commercial tax structure and for implementation approaches that shall:

- **Address concerns regarding small and independent businesses**
- **Outline options to address these issues**
- **Contain pros and cons of various courses of action**
- **Be returned for Council consideration no later than October 2015 so consideration can be given by Council prior to the 2016/2017 budget.**

Councillor Watts noted that part of the issue is that when engaging with small business owners it is complicated to define exactly what a small business is, and indicated that this report should expose all

these types of complications, clarify them, examine pros and cons, and establish a basis for having these discussions. She indicated that if the motion passes, she hopes that the small business community will organize and respond to some of the issues and meet with staff.

Councillor Adams suggested that businesses not be excluded from this consideration based on their size or revenues. He voiced support for amending the motion to be more inclusive.

Mr. Keefe responded that there needs to be some filter to narrow the scope of the issue. He advised that 20 businesses in the municipality provide 20% of tax revenue and warned that making changes to the overall commercial tax rate would forfeit considerable funds without addressing the issue that the motion seeks to consider.

Councillor Dalrymple noted that there are many business associations that are not Business Improvement Districts that should be consulted. Mr. Butts responded that staff would consult broadly.

Councillor Outhit noted that in his view the best way to help residential tax payers is to grow the commercial tax base, and the best way to achieve that is to help small businesses.

Councillor Rankin advised that he had no knowledge of municipal governments using commercial taxes as an economic development tool and questioned whether that was within the mandate. He noted that the Greater Halifax Partnership should be involved in the discussion, as should the larger businesses and the Chamber of Commerce.

Mayor Savage noted that there is a problem with the assessment based system in that it can be unfair to certain businesses and the answer is not to say there is nothing that can be done. He advised there needs to be some definition of the problem and some identification of how, within the assessment based system, small and medium-sized businesses can be supported.

Councillor Mason noted that the request contains many options for staff's consideration that may not be feasible, but it will be useful to analyze why they will not work so that Council and the public can get a better understanding of the issues.

MOTION PUT AND PASSED. (15 in favour, 1 against)

In favour: Mayor Savage, Deputy Mayor Nicoll, Councillors: Dalrymple, Hendsbee, Karsten, McCluskey, Fisher, Mason, Watts, Mosher, Walker, Adams, Whitman, Craig, and Outhit.

Against: Councillor Rankin

Not present: Councillor Johns

12. MOTIONS:

12.1 Councillor Whitman

Notice of Motion given at the April 14, 2015 meeting of Regional Council.

MOVED by Councillor Whitman, seconded by Councillor Hendsbee that Halifax Regional Council request a staff report with regard to an amendment to By-law T-1000, providing that By-law T-1000 does not apply to community-based transportation services which are developed and provided by non-profit organizations through partnerships by coordinating public, private, non-profit and volunteer resources and services that receive provincial or municipal financial support to cover a portion of the operating costs.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Johns

13. IN CAMERA

These items were dealt with later in the meeting. See page 19 for details.

14. ADDED ITEMS

14.1 Federation of Canadian Municipalities (FCM) Resolution

The following was before Council:

- A recommendation report dated March 16, 2015, with attached FCM Resolution.

The Clerk noted the report and recommendation was before Regional Council due to the rescheduling of the Executive Standing Committee meeting.

MOVED by Deputy Mayor Nicoll, seconded by Councillor Fisher that Halifax Regional Council adopt the required by FCM resolution in regard to the nomination of Councillor Bill Karsten as Council's nominee to the Board of FCM for the term to June 2016 as provided for in Attachment 1 of the March 16, 2015 staff report.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Mosher and Johns

14.2 Councillor Adams – Fire Stations 62 and 63 – Timelines

The following was before Council:

- A Councillor Request for Consideration Form.

MOVED by Councillor Adams, seconded by Councillor Karsten that Halifax Regional Council request a staff report and recommendation with respect to the implications of Fire Station 62, which is Harrietsfield, on the provision of fire protection including consideration of options for future fire coverage for Sambro, Harrietsfield and surrounding area including but not limited to the building of a new Fire Station in the community of Williamswood.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Mosher and Johns

14.3 Ratification of Motion of Committee of the Whole – Full Review of Final Budget – Proposed 2015/2016 Capital and Operating Budget

This item was dealt with earlier in the meeting. See page 4 for details.

15. NOTICES OF MOTION

15.1 Councillor Karsten

“TAKE NOTICE that at the next regularly scheduled meeting of Halifax Regional Council I will propose to request a staff report to confirm the direction given by the Crosswalk Safety Advisory Committee and Council as it relates to the repainting of existing crosswalk lines for a second time in the fall of each year.”

15.2 Councillor Mason

“TAKE NOTICE that, at the next meeting of Halifax Regional Council to be held on May 12, 2015, I will introduce proposed Administrative Order 2014-019-GOV the ArtsHalifax Advisory Committee Administrative Order, the purpose of which is to establish the terms of reference for the ArtsHalifax Advisory Committee.”

15.3 Councillor Mason

“TAKE NOTICE that, at the next meeting of Halifax Regional Council to be held on May 12, 2015, I propose to introduce amendments to Administrative Order 15, the License, Permits and Processing Fees Administrative Order, to create a tiered fee system for sidewalk cafés, allowing for a new fee category for small cafés, and to introduce a housekeeping amendment to the same Administrative Order.”

15.4 Councillor Mason

“TAKE NOTICE that, at the next meeting of Halifax Regional Council to be held on May 12, 2015, I will introduce the following motion: That Halifax Regional Council directs staff that:

- a) All fire trucks that are crewed by full time firefighters shall be crewed with four firefighters;
- b) There shall be a crewed aerial on the east and west side of the harbour; and
- c) The Fire Chief will prepare a plan to meet these staffing goals within three years, and report to Council every six months with a progress update.”

15.5 Councillor Fisher

“TAKE NOTICE that, at the next regularly scheduled Council meeting to take place on Tuesday, May 12, 2015, I intend to bring forward a motion to request a staff report on acquiring the land at PID00191668 as it pertains to the Council-approved Main Street plan and 2011 Transportation Study Main Street area, Dartmouth envisioning the extension of Hartlen Street across Main Street to Lakecrest Drive as land becomes available and budgets allow.”

13. IN CAMERA

13.1 In Camera Minutes – March 24 & 31, 2015

Councillor Outhit noted that he had been marked as both present and regrets in the minutes from March 24, 2015 and requested the minutes be amended to reflect that he was present.

MOVED by Councillor Outhit, seconded by Councillor McCluskey that the minutes from March 24 and 31, 2015 be approved as amended. MOTION PUT AND PASSED.

13.2 Personnel Matter

13.2.1 Citizen Appointments to the Board of the Halifax Water Commission – Private and Confidential Report

This matter was dealt with in an in-camera session.

13.2.2 Citizen Appointment to Heritage Advisory Committee – Private and Confidential Report

The following was before Council:

- Private and confidential report dated April 16, 2015

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

- 1. Appoint the citizen outlined in the discussion section of the private and confidential report dated April 16, 2015 to the Heritage Advisory Committee.**

2. It is further recommended that the citizen appointment be released to the public following ratification and notification of the successful candidate.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Johns

13.3 Property Matter

13.3.1 Property Matter – Industrial Land Acquisition – Private and Confidential Report

The following was before Council:

- Private and confidential report dated April 17, 2015

MOVED by Councillor Karsten, seconded by Deputy Mayor Nicoll that Halifax Regional Council:

- 1) Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale for the subject properties, as per the key terms and conditions provided in Table 1 of the private and confidential staff report dated March 24, 2015;
- 2) Reduce Project No. CQ000008 – Burnside & City of Lakes Development by the amount described in the Financial Implications section of the private and confidential staff report dated March 24, 2015 with funds returning to the Burnside/Industrial Parks Expansion Reserve Q121;
- 3) Approve a withdrawal from the Business/Industrial Parks Expansion Reserve Q121 in the amount equal to the expenditure described in the Financial Implications of the private and confidential staff report dated March 24, 2015 from Project No. CQ000001 – Industrial Land Acquisition;
- 4) Instruct staff to seek the required amendments to municipal planning documents to allow for serviced industrial development on the subject properties in their entirety.

It is further recommended that this report not be released to the public.

Councillor Hendsbee noted that the Halifax Regional Council meeting date on the report from the Audit and Finance Committee should read April rather than August.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Johns

MOVED by Councillor Adams, seconded by Councillor Whitman that Council convene in camera.

MOTION PUT AND PASSED.

Council recessed at 9:07 p.m.

Council reconvened at 9:29 p.m.

16. ADJOURNMENT

The meeting adjourned at 9:30 p.m.

Cathy J. Mellett
Municipal Clerk