

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES March 21, 2006

PRESENT:

Mayor Peter Kelly
Deputy Mayor Russell Walker
Councillors: Steve Streach
Krista Snow
David Hendsbee
Harry McInroy
Gloria McCluskey
Andrew Younger
Bill Karsten
Becky Kent
Jim Smith
Mary Wile
Patrick Murphy
Dawn Sloane
Sue Uteck
Sheila Fougere
Debbie Hum
Brad Johns
Robert Harvey
Len Goucher
Reg Rankin
Gary Meade

REGRETS:

Councillors: Linda Mosher
Stephen Adams

STAFF:

Mr. Dan English, Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Jan Gibson, Municipal Clerk
Ms. Julia Horncastle, Legislative Assistant

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1. INVOCATION

The meeting was called to order at 6:00 p.m. with the Invocation being led by Councillor McInroy.

Council observed a Moment of Silence in memory of Mr. Gregory North, Chair, Halifax Regional Board of Police Commissioners and Ms. Mary Elizabeth Chalk, a high school student who lost her life in a vehicle pedestrian accident in Dartmouth.

2. APPROVAL OF MINUTES - February 28, 2006

MOVED by Councillor McCluskey, seconded by Councillor Karsten, that the minutes of February 28, 2006 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

- 12.1 Property Matter - Land Acquisition - Sackville Transit Terminal, Walker Avenue, Lower Sackville
- 12.2 Contractual Matter - Tender Proposal - Dewatering Biosolids Transportation
- 12.3 Property Matter - Aerotech/Airport Water System Transfer, Bennery Lake

MOVED by Councillor Hendsbee, seconded by Councillor Johns, that item 7.1, Development Agreement - Former Texpark Site, be deferred to April 4th. MOTION DEFEATED.

MOVED by Councillor Sloane, seconded by Councillor Karsten, that deferred business be addressed following the Heritage Hearing and Tenders. MOTION DEFEATED.

MOVED by Councillor Harvey, seconded by Councillor Sloane, that the items under 10.3 be addressed prior to item 7. MOTION PUT AND PASSED.

MOVED by Councillor Harvey, seconded by Councillor Snow, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Sloane, seconded by Councillor Murphy, that item 10.1.5 be addressed following the Heritage Hearings. MOTION PUT AND PASSED.

4. **BUSINESS ARISING OUT OF THE MINUTES - NONE**

5. **MOTIONS OF RECONSIDERATION - NONE**

6. **MOTIONS OF RESCISSION - NONE**

Council held the Heritage Hearings at this time as per the approval of the Order of Business.

8.1 **Case H00153 - Application for De-Registration of 78 Shore Road, Dartmouth**

- An extract from the February 7, 2006 Regional Council minutes was before Council.
- A Heritage Advisory Committee report, dated January 25, 2006, on the above matter was before Council.

Ms. Maggie Holm, Heritage Planner, presented the staff report to Council advising Section 16 of the Heritage Property Act relative to de-registrations has been met.

Mayor Kelly called for anyone wishing to speak either in favour of or in opposition to the proposed de-registration.

Mr. Alan Ruffman, Ferguson's Cove Road, stated he does not think Council should dismiss the heritage designation without asking the owner to look at possible ways to seek assistance from the adjacent property owner to rectify the situation caused by the erection of the retaining wall. He suggested Council not approve the de-registration and let the owner seek a demolition permit which would allow time for the owner to see if there is a way the property can be saved.

In response to Councillor Goucher, Mr. Ruffman clarified that Heritage Trust does not have the experience nor staff to undertake the restoration of the building.

Mrs. Elizabeth Pacey, Halifax, stated this is a rare architectural type and the building should be given more time to allow for the problems to be fixed. To de-register this building would not be allowing enough time for investigation into rectifying the problems caused by the neighbour.

Mayor Kelly called three times for any additional speakers. Hearing none, the following motion was placed.

MOVED by Councillor Karsten, seconded by Councillor Snow, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor McCluskey, seconded by Councillor Younger, that Regional Council approve the de-registration of 78 Shore Road, Dartmouth as shown on Map 1 of the January 25, 2006 staff report.

Councillor McCluskey noted that this is a beautiful home but when the owner bought it he was told it was sound. She noted that the property owner advises it would cost approximately eighty five thousand dollars to repair it and, in her opinion, it would be putting a burden on the property owner to suggest that the property has to stay registered as a Heritage property. She noted HRM is not offering any financial assistance and to seek compensation from the adjacent property owner could prove to be a hardship.

Councillor Uteck stated that not approving the de-registration would be placing financial hardship on the owners, as the cost identified to fix the building is excessive.

Councillor Hendsbee suggested the one year process be put in place as part of a demolition application to allow time for the owner to seek other solutions.

Councillor Younger noted that the report advises the floors are caving in, the beams are giving way, the roof needs replacing and the only things structurally sound are the window sills and some of the beams.

Councillor Harvey advised that this property has been before the Heritage Advisory Committee at least five times and the owner is owed due process. He stated that if the municipality does not want to approve the de-registration, then HRM should be willing to buy the property and fix it up either to sell or add to HRM's inventory of buildings.

Without a vote being taken on the motion on the floor, the following motion was placed.

MOVED by Councillor Uteck, seconded by Councillor Younger, that the item be deferred for two weeks to April 4th pending a staff report on the implications of HRM purchasing the property.

Councillor Johns requested the report include information on how many heritage properties HRM has throughout the municipality and what implications there would be if other heritage property owners came forward with this type of request to purchase their properties. In addition, what implications would this have on HRM 's ability to sustain this type of arrangement.

Councillor Streach requested the report identify the purchase price and the purpose of the building.

Councillor Snow requested the report identify the staff person who issued the building permit for the retaining wall.

Councillor McCluskey requested the report identify other properties that have been purchased, what they are being used for now, what it cost to purchase them. Also, the report should include information on when the other properties were purchased.

MOTION TO DEFER PUT AND PASSED.

10.3.1 H00174 - Application for Registration of 29 First Avenue, Bedford

- A report dated January 25, 2006, from the Heritage Advisory Committee, on the above noted, was before Council.

Ms. Maggie Holm, Heritage Planner, presented the report to Council advising the Heritage Advisory Committee is recommending in favour of registration.

Mr. Paul Doucet, property owner, advised the house sits on lands formerly owned by Alexander Keith and he feels the house is a piece of Bedford heritage which should be protected.

MOVED by Councillor Goucher, seconded by Councillor Sloane, that Regional Council approve the registration of 29 First Avenue, Bedford, under the HRM Heritage Property Program. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.2 Case H00175 - Application for Registration of 2138 Brunswick Street, Halifax

- A report dated January 25, 2006 from the Heritage Advisory Committee, on the above noted, was before Council.

Ms. Maggie Holm, Heritage Planner, presented the report to Council advising the Heritage Advisory Committee is recommending in favour of the registration.

The property owner was not in attendance to speak on the matter.

MOVED by Councillor Sloane, seconded by Councillor Murphy, that Regional Council approve the registration of 2138 Brunswick Street Halifax, under the HRM Heritage Property Program. MOTION PUT AND PASSED UNANIMOUSLY.

Council addressed item 10.1.5 at this time as per the approval of the Order of Business.

10.1.5 Tender 05-167 - Halifax Commons Skatepark Expansion

- A report dated February 16, 2006, on the above noted, was before Council.

MOVED by Councillor Sloane, seconded by Councillor Snow, that Regional Council approve the award of Tender No. 05-167 Halifax Commons Skatepark Expansion to Dexter Construction Company Limited, for a total tender price of \$543,519.40 (including net HST). Funding is available as per the Budget Implications section of the February 16, 2006 report.

In response to Councillor Meade, Council was advised the funding breakdown is Halifax Regional Municipality \$250,000, the Province of Nova Scotia \$166,000, fundraising \$90,000 and the remainder being provided from the District Capital Accounts of individual Councillors. On further question, Council was advised HRM has a standing order with Jacques Whitford for inspections.

MOTION PUT AND PASSED UNANIMOUSLY.

RECESS

Council recessed at 7:20 p.m. and reconvened at 7:34 p.m.

Deputy Mayor Walker left the meeting during the break.

7. CONSIDERATION OF DEFERRED BUSINESS - March 7, 2006

7.1 Case 00709 - Development Agreement - Former Texpark Site, Halifax

- Submissions received in response to the public hearing were circulated to Council.
- A copy of the wind study prepared by RWDI for United Gulf Development Limited was circulated to Council.
- A supplementary staff report dated March 15, 2006, was before Council.
- An extract from the draft March 7 and 28, 2006 minutes was before Council.
- A supplementary staff report dated February 24, 2006, was before Council.

The public hearing was held and closed on March 7, 2006. The matter was now before Council for debate and decision.

Ms. Mary Ellen Donovan, Municipal Solicitor, clarified that the public participation segment of the public hearing was closed on March 7th and the wind study was being presented to Council at this time.

In response to Councillor Sloane, the Municipal Solicitor advised that there is provision made in Administrative Order One allowing the applicant to respond to points raised by speakers.

Councillor Sloane stated, for the record, presentation of the wind study is not a rebuttal but provision of requested information.

Mayor Kelly further clarified that there will be a rebuttal following the wind study presentation.

Ms. Anne Muecke provided information on the wind study noting some of the following points:

- A1/400 scale model of the proposed site and surrounding area was used with topographic accuracy including all buildings in that area,
- The buildings are put together in as much detail as the wind engineers feel they need in order to do an accurate assessment of the wind conditions in the downtown around this site,
- The company that undertakes these studies operates at a world level and have done studies on all the major buildings throughout the world, and have done approximately 1,500 of these studies,
- Data over a fifty year period was divided into the four seasons and used in the study,
- There were forty seven sensors placed around the site at street corners, doorways, pathways along the block, in places where pedestrians would be walking,
- The wind impact on a building of the size of the Texpark would not differ significantly whether it was a layered or a solid structure,
- They were looking at pedestrian comfort and safety, conditions where people can sit, stand and walk easily, situations where winds are less than 20 km/hr,
- In the matter of safety they look at gusting, short bursts of wind lasting a few seconds that are at a speed of 88 km/hr or more and can cause problems with balance,
- RWDI's standard is that one gust per season is acceptable, noting this is a universal standard that is being applied here and elsewhere,
- Spring, summer and fall are relatively calm but winter is severe with strong winds which have an impact all through the downtown,
- A higher than expected gusting level was found at the corner of Sackville and Hollis. This resulted in the corner of the building being shaved back to widen the corner so that it is twice as wide as it was with Texpark there and the canopy that goes down Sackville Street had a piece added to it,

- The problems at Sackville and Hollis only occur during the winter,
- If you compare the total number of gusts that are increased in winter and the number of gusts that are decreased you find the decreases outnumber the increases by 2-1, the highest increase is 3 at the corner of Blowers and Granville,
- There is a reduction in gusting in winter around the site with the building in place,
- Mitigation measures can be as simple as trees in planters. Since this is a winter issue they will look at having mitigation measures that are moveable such as planters as well as some permanent structures, noting this will be determined at a later date,
- When the plan is put together for the corner, the model will be retested.

Councillor Sloane noted the modelling has the Metropark as a solid building and questioned whether it makes a difference in the gusts in the area if the building is open or enclosed. Ms. Muecke advised that when RWDI first do an analysis they look at the whole area using simple building forms. When they get into more detail particularly when they look at mitigation measures, they add more detail to the buildings just to ensure they are fully representing the features on the site. They check the difference with a smoke gun to ensure that the way the wind was blowing around the site had not significantly changed. She noted RWDI advised that there was no significant difference for the purposes of general site analysis on having a layered or a solid structure in that location.

Councillor Sloane noted that the study shows location '45' is where most of the gusts have happened. She expressed concern that there appears to be a difference in wind when the garage doors are open versus when they are closed. The Councillor suggested perhaps this should be looked into further.

In response to Councillor McCluskey, Paul Sampson, Planner, advised the proposed building is twenty seven stories from the lowest to the highest point. On further question with regards to a reduction in wind as a result of the new structure, Council was advised some additional testing was done by moving the hotel back by six metres from Sackville Street. RWDI took the hotel off and tested it as well as putting a generic building across the street and tested it. The conclusion was that the problematic winds are actually the horizontal winds from the east coming off the harbour in winter. They approach the corner of Sackville and Hollis at an angle, turn and whip up the street and, as they go up the street, they are condensed by the walls of the buildings on either side and by the slope of the street. The corner with this building is wider than it would have been with Texpark and that may account for some of the change and the wind being redistributed around the site.

In response to Councillor Karsten, Council was advised the issue of concern was the change in wind patterns and whether something can be done to address it. If there is a solution then it be done resulting in a building that has as little negative impact as possible on the pedestrian.

In response to Councillor Snow, Council was advised that there was not a lot of information around the downtown with regards to wind and they are learning how significant some of the wind issues are.

In response to Councillor Hendsbee as to whether the design of this building will have a significant impact on the future design of a building that could be built across the street, Council was advised any future building on the other side of the street may change the wind pattern but the information regarding this site will be available to staff for reference.

Mr. Paul Sampson, Planner, advised the study tested a tower on that site in the event something is proposed in future. The issues would be addressed and mitigation measures would have to be put in place for any proposal on that site as well.

In response to Councillor Murphy, Council was advised that RWDI takes fifty years worth of data and works with that data. It was noted that on any particular day the wind conditions may be somewhere in the range of winds that were experienced over that fifty year period. It was noted there will be changes in wind conditions around the site constantly. On further question, Ms. Muecke advised the study is concerned with pedestrian safety and comfort and the purpose is to find out what the conditions are in all seasons and to make sure that what can be done to enhance safety and comfort is done.

In response to Councillor Murphy, Mr. Sampson noted that if you look at all forty seven sites that were tested, total up all seasons, look at where conditions are the same or improved slightly or gotten worse, what you find is twenty two locations had similar conditions, fourteen had slightly improved conditions and nine had slightly worse conditions. Substantially, either conditions are similar or slightly improved overall. He advised that staff are comfortable that all the wind issues are addressed by the study.

Councillor Sloane asked if staff has any examples for any other buildings to show what the mitigation measures would be like as she was concerned with what the panels would look like. In response, Ms. Muecke advised the developer has not fully investigated the options but will work with staff and the Business Commission to identify the best combination. She stated that whatever measures are selected the pedestrian throughway that is required under the streetscape design guidelines for the Capital District would have to be kept clear.

On further question, Council was advised the mitigation measures are conceptual and the detailed design will produce measures that are real and can be implemented. The development agreement requires that United Gulf submit a further study which illustrates what those detailed solutions are. Some of those will come before Council automatically as they will encroach into the street right of way and will require an encroachment license. Mr. Sampson further clarified that disabled consumer groups were involved and their recommendations were incorporated.

At this time Ms. Muecke, reading from prepared text, presented rebuttal remarks on behalf of United Gulf noting:

- This project drew support from all parts of HRM,
- The Municipal Planning Strategy does allow for a building of this size,
- Tall buildings are not only permitted in the corridors between viewplanes, they are expected, and this expectation is reflected in the value of land in the downtown,
- The site is very important because development here has the potential to significantly improve this part of the downtown,
- The building needs to draw people back to the streets, pull them up from the waterfront, support local businesses, and enliven an area that has been struggling for decades,
- They made every effort not to repeat the mistakes of tall buildings of the past,
- The design is truly unique and impressive,
- The building will be prominent and make its own statement in the skyline as a structure of the early 21st century,
- This building is exactly where it belongs - among the other tall buildings in the Central Business District, and part of the dramatic waterfront panorama,
- It will be distinctive, interesting and of the highest quality,
- The building reflects the modern era and will draw attention to us as a city on the move,
- This proposal supports the Municipal Planning Strategy.

RECESS

Council recessed at 8:39 p.m. and reconvened at 8:50 p.m.

Councillor Sloane expressed concern with noise in the downtown and how it will affect the residents of this development. In response, Mr. Sampson replied that the developer can incorporate mitigation measures in the building design noting, however, there is nothing specific included as part of the development agreement. He noted that the residential levels are above the fourth level.

MOVED by Councillor Sloane, seconded by Councillor Snow, that Regional Council:

- 1. Approve the development agreement, included as Attachment "A" of the staff report dated December 16, 2005.**
- 2. Require that the development agreement be signed within 120 days, or any extension thereof granted by Regional Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later, otherwise this approval will be void and obligations arising hereunder shall be at an end;**

3. **Discharge that portion of the existing Development Resolution for the MetroPark facility as it applies to the northwest portion of Lot 1A (PID #41036088) which forms part of the proposal, to take effect upon the registration of the subject development agreement;**
4. **Subject to signing of the development agreement, approve in principle the encroachments as shown on the Schedules of Attachment "A" (Staff will bring this item back to Council at the appropriate time)**

MOVED by Councillor Sloane, seconded by Councillor Snow, that the question now be put.

It was noted that a 2/3 majority vote was required for the motion to pass.

MOTION TO PUT THE QUESTION DEFEATED (12 in favour, 8 against)

Those voting **in favour** were Councillors Snow, McCluskey, Younger, Karsten, Kent, Smith, Wile, Sloane, Uteck, Hum, Johns and Rankin.

Those voting **against** were Mayor Kelly and Councillors Streach, Hendsbee, McInroy, Murphy, Fougere, Harvey and Goucher.

Deputy Mayor Walker and Councillors Mosher and Adams were absent.

Councillor Meade was not eligible to vote.

Councillor Hendsbee stated:

- He was speaking in favour of the proposal,
- This building fits the site and should go forward,
- Council has to make an objective not subjective decision,
- The developer should take into consideration the placement of an observation deck on top of the building,
- Viewplanes are being respected.

Councillor Harvey stated:

- It is clear from the discussions that have taken place that there is a problem with the Halifax MPS as it applies to the central business district,
- A review of the MPS is a priority and perhaps a moratorium should be put in place in the Capital District until this happens,
- Decisions are put off to un-elected bodies such as Utility and Review Board and the courts,

- Exceptions only should go to those groups for decision,
- This proposed development does not intrude upon any of the ten legislated viewplanes,
- There is no panoramic viewplane from Citadel Hill,
- This proposal must be judged on exiting policies,
- This development will aid and sustain a revitalized Barrington Street and downtown Capital District,
- This proposed building represents the future and he was supporting the proposal.

Councillor Rankin stated:

- It is in conformity with respect to height as per the MPS,
- The commercial section of the MPS states that major office projects, hotels etc. should be induced to locate in the central business district,
- The document stated views of and from the harbour along the east/west streets should be considered and when opportunity arises such views should be enhanced and new views added,
- The business community requested this project go forward,
- The Regional Plan encourages growth of downtown business.

Councillor Karsten stated:

- Council has to listen and interpret and make it's decision on the basis of the MPS,
- Section 3.2.1 of the MPS encourages the development of office projects, hotel facilities etc. which would strengthen and embrace Halifax as a major centre of Atlantic Canada,
- The fibre of the city does not just encompass a building but rather is the heart and soul of the people that live here,
- There are no heritage buildings adjacent to this site and none to be demolished,
- There are no viewplanes violated.

Councillor Snow stated:

- The MPS can be interpreted in many ways
- The MPS states that every opportunity should be taken to preserve and add to the views,
- The residents have spoken,
- HRM needs to grow but the MPS is outdated,
- This is going to destroy views from Citadel Hill,
- This is an example of picking Citadel Hill and the history and heritage of the City to death.

Councillor McInroy stated:

- This is a positive development and will be an asset to Halifax,
- He does not feel the MPS is ambiguous,

- This project fully qualifies and is outside the designated viewplane area,
- The development conforms with Section 7.3 which states the City shall control the height of new development within the CDD within the vicinity of Citadel Hill pursuant to policies 6.3 and 3.1, 3.2 and 3.3,
- The MPS supports what staff has provided.

Councillor Goucher stated:

- The height, bulk and scale of this building are all consistent with the intent of the MPS,
- There is no legislation to protect panoramic views,
- Council has to come up with a decision that is defensible.

Councillor McCluskey stated:

- She does not like where the buildings are planned to be located,
- Some of the policies in the MPS are open to interpretation,
- She does not believe that this development follows all the terms and objectives of the MPS such as scale and design to reflect the heritage and topographical design of the CDD,
- She believes this building does not fall under Section 7.1.2 which states the city shall encourage the architectural form and scale of new development to be compatible with the block pattern and discourage those developments which do not respect them,
- She does not believe the exterior of the buildings are complimentary to any adjacent ones which are designated to be of an historic nature,
- Residents do not want the development,
- She does not believe the buildings belong in this location,
- She believes the wind study was flawed,
- This building encroaches on HRM land and one tower encroaches over the sidewalk,
- The public walkways will suffer because of shadows from these buildings.

Councillor Streach stated:

- This property was sold in good faith with no indication that this type of application would not be allowed; therefore, the applicants are here in good faith,
- The MPS does allow what is in front of Council as it relates to this development,
- He walked the area and did not see the problem being suggested by the residents,
- Younger people want a living, vibrant, exciting city and Council is obliged to provide that type of environment so that people will stay and be provided with opportunities.

Councillor Kent stated:

- We want Halifax to be healthy and productive,
- Our people, culture, openness to differences, diversity in communities and ability to sustain the values are what attracts visitors and settlers to this region,
- People have different expectations of different areas of the municipality,
- It is the welcome and the people that attract visitors not the buildings,
- A city not busy being born is busy dying,
- Landmarks combining old and new create the balance,
- Heritage sites to us are from our past but decisions made today about development will be the heritage of future generations,
- Decisions of the past took vision and sometimes going against popular opinion,
- She fails to see how historical buildings will continue to thrive,

- We must support the growth and opportunity in the Capital District.

Councillor Smith stated:

- This project does conform to the MPS,
- He respected the opinions as presented throughout the public hearing,
- The proposal meets the intent of the MPS,
- Heritage and new development will exist together,
- This is a chance for HRM to move forward,
- This is a move to the future,
- This will be something that will be held as something good for the city.

MOVED by Councillor Goucher, seconded by Councillor Johns, that Council continue to 11:00 p.m. MOTION PUT AND PASSED.

Councillor Fougere stated:

- The Halifax MPS has been in existence for approximately three decades and sets the framework to guide Council in it's decisions,
- View and viewplanes are not the same, viewplanes are specific and geographically marked on a map in the planning document and development must not impede the views within these defined corridors,
- Development must respect the blocked configurations that are intersected by the viewplanes so that tunnels of views are not created, this development meets those requirements,
- The view from Citadel Hill has changed many times and if an unchanged panoramic view from the Citadel were envisioned there would be no viewplanes only legislated views,
- Viewplanes were a recognition of the fact that the central business district of Atlantic Canada's largest city lay beneath the Citadel as well as a recognition of balance between growth and development and the preservation of history,
- There is no precedent for reduction in height to allow for a view of the water outside of the viewplanes or outside the east/west harbour views along downtown streets,
- The diversity of architectural styles downtown brings interest and balance to the city,
- The impact of this project has been predicted in many subjective ways, both positive and negative, and Council is not here to judge whether they like it or not but to be judged objectively on the basis of whether or not it complies with the existing relevant legislation,
- The development reflects the intent of the proposed principles of the Regional Plan.

Councillor Uteck stated:

- Council knew there was a possible tower proposed as per the request for proposals of March 17, 2004,
- This building is outside the viewplanes,

- It is below the ramparts from Citadel Hill,
- As per quotes from a work by Ms. Pacey, view planes as a regulatory planning tool will not impede development of central Halifax,
- The wind study has shown the winds will still be there but will be decreased slightly and changed.

Councillor Murphy stated:

- The Municipality shall not act in the manner that is inconsistent with the MPS,
- Section 7.1.2 states the city shall encourage an architectural form and scale of new developments to be compatible with the block pattern and shall discourage those developments which do not respect it,
- He was not voting for the motion as he believes the views are encroached,
- He does not feel the project is consistent with the planning strategy.

Councillor Wile stated:

- Duplicating the design of heritage properties will not accomplish anything other than having a monotonous series of buildings that look alike,
- The Cultural Plan says that culture is about the past, present and the future,
- The buildings are creative and futuristic and will bring life and class to downtown Halifax and the view of the towers from the harbour will be very impressive,
- The location is fine,
- The view is not blocked and studies have been completed on wind and shadowing,
- These towers will bring HRM into the 21st century,
- This will bring life back to Barrington Street.

Councillor Hum stated:

- This project is consistent with the MPS,
- This project will not only beautify the area but it will also make the historical side of downtown stand out even more because there will be the two visions,
- This will compliment the downtown,

Councillor Younger stated:

- Images of new buildings such as Purdy's Wharf are used by many organizations, to promote tourism to Halifax despite speakers indicating the contrary,
- The intent of the MPS is to protect the viewplanes,
- The block pattern is not disturbed,
- He supports the proposal as it is reasonably consistent with the MPS.

Councillor Johns stated:

- He respects the need to hold onto heritage but there is a need to move forward as well,
- The proposal falls under the MPS,
- This is something municipal government is supposed to be doing,

- This is a good thing for the downtown and will help revitalize it.

Mayor Kelly stated:

- That he has read the sections of the MPS and took the time to walk to the site as well as up Citadel Hill and along the waterfront,
- When you look at the implications relative to Section 7.1.2, 7.2.2, 7.2.1, 7.3, 6.2, 7.4, 7.3 and 7.6 there are many opportunities for interpretation,
- This location has many other implications under the MPS; therefore, ultimately he cannot support the project.

Closing the debate, Councillor Sloane:

- Questioned what the purpose of Council and planning is if there has been no plan for the future,
- Stated the report did not take into consideration that the Texpark was an open building,
- Stated there is no need for a tall building downtown as this does not mean that people will not shop in the downtown,
- Quoted for Section 2.17 of the MGA which states a municipality shall not act in the manner that is inconsistent with the MPS.

DECISION OF COUNCIL

MOVED by Councillor Sloane, seconded by Councillor Snow, that Regional Council:

- 1. Approve the development agreement, included as Attachment "A" of the staff report dated December 16, 2005.**
- 2. Require that the development agreement be signed within 120 days, or any extension thereof granted by Regional Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later, otherwise this approval will be void and obligations arising hereunder shall be at an end;**
- 3. Discharge that portion of the existing Development Resolution for the MetroPark facility as it applies to the northwest portion of Lot 1A (PID #41036088) which forms part of the proposal, to take effect upon the registration of the subject development agreement;**
- 4. Subject to signing of the development agreement, approve in principle the encroachments as shown on the Schedules of Attachment "A" (Staff will bring this item back to Council at the appropriate time)**

MOTION PUT AND PASSED (15 in favour, 5 against)

Those voting **in favour** were Councillors Streach, Hendsbee, McInroy, Younger, Karsten, Kent, Smith, Wile, Uteck, Fougere, Hum, Johns, Harvey, Goucher and Rankin.

Those voting against were Mayor Kelly and Councillors Snow, McCluskey, Murphy and Sloane.

Deputy Mayor Walker and Councillors Mosher and Adams were absent.

Councillor Meade was not eligible to vote.

8. PUBLIC HEARINGS

8.1 Case H00153 - Application for De-Registration of 78 Shore Road, Dartmouth

This item was addressed earlier in the meeting. (See page 5)

5. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

RECESS

Council recessed at 10:20p.m. and reconvened at 10:30 p.m.

6. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Tender 06-200 - Resurfacing, Caldwell Road, East Region

- A report dated March 13, 2006, on the above noted, was before Council.

MOVED by Councillor Kent, seconded by Councillor Smith, that Council award Tender No. 06-200, Resurfacing, Caldwell Road - East Region to Lafarge Canada Inc.

for materials and services listed at the unit prices quoted for a tender price of \$273,570 including net HST from Capital Account No. CZU00782 Resurfacing, with funding authorized as per the Budget Implications section of the March 13, 2006 report. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.2 Tender 06-202 - Resurfacing, First Lake Drive, Central Region

- A report dated March 6, 2006, on the above noted, was before Council.

MOVED by Councillor Harvey, seconded by Councillor McCluskey, that Council award Tender No. 06-202, Resurfacing, First Lake Drive - Central Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a tender price of \$204,728, including net HST from Capital Account No. CZU00782, Resurfacing 2006/2007 with funding authorized as per the Budget Implications section of the report. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.3 Tender 06-353 - Fairfield Holding Tank - Cleaning and Inspection

- A report dated March 10, 2006, on the above noted, was before Council.

MOVED by Councillor Uteck, seconded by Councillor Hum, that Regional Council award Tender No. 06-353, Fairfield Holding Tank - Cleaning and Inspection, to Atlantic Industrial Cleaners, a division of Envirosystems Inc., for materials and services listed at the unit prices quoted for a tender price of \$106,682 including net HST, from Capital Account CGI00616, Fairfield Holding Tank, Halifax, with funding authorized as per the Budget Implications section of the March 10, 2006 report. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.4 Tender 05-217R - Crescent Avenue Pumping Station Upgrade, West Region

- A report dated March 6, 2006, on the above noted, was before Council.

MOVED by Councillor Uteck, seconded by Councillor Wile, that Council:

- 1. Award Tender No. 05-217R, Crescent Avenue Pumping Station Upgrade - West Region to J.R. Eisner Contracting Limited for materials and services listed at the unit prices quoted for a tender price of \$593,528 including net HST from Capital Account No. CGU00579, Crescent Avenue Pumping Station, with**

funding authorized as per the Budget Implication section of the March 6, 2006 report.

2. Approve the appointment of SNC-Lavalin Inc. for construction inspection services for a total of \$56,886 including net HST with funding as outlined in the Budget Implications section of the March 6, 2006 report.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.5 Tender 05-167 - Halifax Commons Skatepark Expansion

This item was addressed earlier in the meeting. (See page 7)

10.1.6 Tender 05-412 - Three (3) 2006 Model Vacuum Type Street Sweeper and Truck Chassis

- A report dated March 7, 2006, on the above noted, was before Council.

MOVED by Councillor Smith, seconded by Councillor Goucher, that Tender #05-412 be awarded to Joe Johnson equipment Inc. for a tender price of \$513,867 including net HST with funding from Capital Account No. CVD00413 - Fleet Vehicle Replacement, as outlined in the Budget Implications section of the March 7, 2006 report. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.7 Tender 06-017 - Upgrade to Cowie Hill Fuel Depot

- A report dated March 10, 2006 on the above noted, was before Council.

MOVED by Councillor Wile, seconded by Councillor Snow, that Council award Tender No. 06-017, Upgrade to Cowie Hill Fuel Depot to ITS Construction Inc. for a tender price of \$144,801.00 (net HST included) from Capital Budget Account No. CHM00424 and Capital Budget Account No. CBM00711, with funding authorized as per the Budget Implications section of the March 10, 2006 report. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.8 Capital Budget Increase and award of Tender 06-003 - Dartmouth Lawn Bowling Artificial Surface Replacement

- A report dated March 6, 2006, on the above noted, was before Council.

MOVED by Councillor Kent, seconded by Councillor McCluskey, that Council:

- 1. Approve an increase to the Gross Capital Budget to Capital Account No. CPS00041 - Lawn Bowling Upgrades, by \$7,000, with no change to the Net Budget, to reflect the cost sharing from the Dartmouth Lawn Bowls Club, as per the Background section of the March 6, 2006 report.**
- 2. Award Tender No. 06-003 - Dartmouth Lawn Bowling Artificial Surface Replacement to Centaur Products (Atlantic) Inc., for materials and services specified, for a total tender price of \$99,214.27, including net HST with funding from Capital Account No. CPS00041 and Capital Account No. CP300844, as per the Budget Implications section of the March 6, 2006 report.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.9 2006 Spring Debenture and Temporary Borrowing Resolution

- A report dated March 7, 2006, on the above noted, was before Council.

MOVED by Councillor Karsten, seconded by Councillor Wile, that:

- 1. Halifax Regional Council approve a Temporary Borrowing Resolution in the amount of \$2,382,500 for refinancing of the balloon payment from the 96A1 Debenture, and**
- 2. The Mayor and Municipal Clerk be authorized to sign the Resolution for Pre-Approval of Debenture Issuance Subject to Interest Rate confirmation, not to exceed 6.0%, to enable the Halifax Regional Municipality to issue a 10-year debenture in the amount of \$23,082,500.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.10 Purchase of LED Traffic Signals

- A report dated March 13, 2006, on the above noted, was before Council.

MOVED by Councillor Uteck, seconded by Councillor Hum, that Regional Council:

1. **Accept the cost shared funding from the Nova Scotia Department of Energy in the amount of \$150,018.00 plus HST and allocate these funds as indicated under the Budget Implication section of the March 13, 2006 report.**
2. **Approve an increase in the Gross Capital Budget to Capital Account No. CTU00561, Traffic Signal Installation, by the amount of \$150,018.00 plus net HST, with no change to the Net Budget, to reflect cost sharing as per the Budget Implications section of the March 13, 2006 report.**
3. **Authorize the purchase of LED Traffic Signals from an existing price agreement contract with established unit prices from Electromega Limited for the amount of \$310,324.23 including net HST, with funding from Capital Account No. CTU00561, Traffic Signal Installation, with funding as per the Budget Implications section of the March 13, 2006 report.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.11 Aerotech Lagoon/Biosolids Dewatering Facility Rate Increase

- A report dated February 20, 2006, on the above noted, was before Council.

MOVED by Councillor Snow, seconded by Councillor Wile, that Council:

1. **Approve a \$.02 per gallon septage tipping fee increase effective April 1, 2006.**
2. **Approve a \$.01 per gallon septage tipping fee increase effective April 1, 2007.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.12 Purchase of Fire Vehicle for Rural Areas - Reserve Withdrawals

- A report dated March 7, 2006, on the above noted, was before Council.

MOVED by Councillor Hendsbee, seconded by Councillor Snow, that Regional Council approve an increase to the 2005/06 Capital Budget in the amount of \$316,500 for the creation of 4 new projects, to be split in the following manner: Fire Rescue Unit - Zone 1 (\$57,000), Fire-Utility Vehicle - Zone 2 (57,000), Fire Rescue Units (2) - Zone 3 (\$135,000) and Fire Rescue Unit - Zone 4 (\$67,500), with funding in the amount of \$316,500 to be provided from Rural Fire Reserve Q128. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Hendsbee requested an information report come forward during the budget process providing a detailed list of the number of fire vehicles in use in the fleet as well as the age of those vehicles.

10.1.13 Creation of Capital Account - Purchase of a Crew Cab Utility Pick Up Truck for Chemical Biological Radiological Nuclear (CBRN) Response

- A report dated March 7, 2006, on the above noted, was before Council.

MOVED by Councillor Fougere, seconded by Councillor Wile, that Regional Council approve an increase to the 2005/06 Capital Budget in the amount of \$65,000 for the creation of a new capital project for one new project for the purchase of a CBRN Emergency Response Vehicle with funding in the amount of \$65,000 to be provided from the Fire Vehicle Reserve Q206. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 NORTH WEST COMMUNITY COUNCIL

10.2.1 Union Street Flooding

- A report from the North West Community Council, on the above noted, was before Council.

MOVED by Councillor Goucher, seconded by Councillor Snow, that Regional Council request that staff include for consideration amongst other capital priorities as part of the 2006-2007 Capital Budget deliberations mitigative measures to provide flood protection to the homes on Union Street adjacent to the Sackville River.

In response to Councillor Younger, Mr. Brad Anguish, Director, Environmental Management Services, stated that if this motion passes the direction of North West Community Council will be taken under consideration in assessing priorities. He noted there is a massive financial crunch and this currently is rated as a low priority but until the final budget is settled he will continue to use the Council priority rating process in assessing projects and will bring back a prioritized list for Council's consideration in the Capital budget.

On further question, Mr. Anguish confirmed that this motion formalizes putting the project in the budget for consideration but does not put it at the top of the list.

In response to Councillor Goucher, Mr. Anguish advised staff is examining a possible short term stop gap measure.

MOTION PUT AND PASSED UNANIMOUSLY.

10.3 HERITAGE ADVISORY COMMITTEE

10.3.1 H00174 - Application for Registration of 29 First Avenue, Bedford

This item was addressed earlier in the meeting. (See page 7)

10.3.2 Case H00175 - Application for Registration of 2138 Brunswick Street, Halifax

This item was addressed earlier in the meeting. (See page 7)

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Property Matter - Land Acquisition - Sackville Transit Terminal, Walker Avenue, Lower Sackville

- This item was addressed at an In Camera session held earlier and was now before Council for ratification.

MOVED by Councillor Harvey, seconded by Councillor Johns, that Halifax Regional Council:

1. **Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with SML Developments Limited for the Purchase of Lot SAG-2A, Walker Avenue, with funding provided from Capital Account No. CTV00727 - Park and Ride Land Acquisition, as per the Budget Implications section and subject to the terms and conditions of the March 8, 2006 Private and Confidential staff report.**
2. **Not release this report until the transaction has closed.**

MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Contractual Matter - Tender Proposal - Dewatered Biosolids Transportation

- This item was addressed at an In Camera session held earlier and was now before Council for ratification.

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

1. **Enter into a contract with Seaboard/Harmac Transportation Group (“Seaboard”) for the supply of all necessary equipment and labour for the transportation of dewatered biosolids from the three Halifax Harbour Solutions Project (HHSP) Plants to the Biosolids Processing Facility as described in the “Discussion” section of the March 3, 2006 Private and Confidential staff report and substantially in the form of the draft Dewatered Biosolids Transportation Agreement.**
2. **The Service Fees payable to Seaboard under the Dewatered Biosolids Transportation Agreement be funded from the operating accounts for the**

HHSP Wastewater Treatment Plants as per the Budget Implications Section of the March 3, 2006 Private and Confidential staff report.

- 3. Not release this report until after the Dewatered Biosolids Transportation Agreement has been signed**

MOTION PUT AND PASSED UNANIMOUSLY.

12.3 Property Matter - Aerotech/Airport Water System Transfer, Bennery Lake

- This item was addressed at an In Camera session held earlier and was now before Council for ratification.

MOVED by Councillor Snow, seconded by Councillor Wile, that Halifax Regional Council:

- 1. Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale transferring ownership of the Aerotech Park water treatment and distribution infrastructure, and lands from the Halifax Regional Municipality to the Halifax Regional Water Commission, based on the key terms and conditions contained in the March 2, 2006 Private and Confidential staff report.**
- 2. Not release this report until the transaction has been finalized.**

MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION

Councillor Harvey

Take Notice that at the next regular meeting of the Halifax Regional Council to be held on Tuesday, March 28th, I intend to introduce a motion to prohibit the activity known as Mixed Martial Arts Extreme Cage Combat from facilities owned by the Halifax Regional Municipality.

14. ADJOURNMENT

The meeting was adjourned at 11:00 p.m.

Jan Gibson
Municipal Clerk

The following information items were circulated to Council:

1. Memorandum from Director, Transportation and Public Works dated March 8, 2006
re: Petition - Chebucto Road Widening
2. Memorandum from the Municipal Clerk, dated March 15, 2006
re: Requests for Presentations to Council - None