

HALIFAX REGIONAL COUNCIL
MINUTES

May 5 & 6, 2009

PRESENT: Mayor Peter Kelly
Deputy Mayor David Hendsbee
Councillors: Barry Dalrymple
Lorelei Nicoll
Gloria McCluskey
Andrew Younger
Bill Karsten
Jackie Barkhouse
Jim Smith
Mary Wile
Jerry Blumenthal
Dawn M. Sloane
Sue Uteck
Jennifer Watts
Russell Walker
Debbie Hum
Linda Mosher
Stephen D. Adams
Brad Johns
Robert P. Harvey
Tim Outhit
Reg Rankin
Peter Lund

REGRETS: Councillor Steve Streach

STAFF: Mr. Dan English, Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Julia Horncastle, Acting Municipal Clerk
Ms. Chris Newson, Legislative Assistant
Ms. Melody Campbell, Legislative Assistant
Ms. Sheilagh Edmonds, Legislative Assistant
Ms. Shawnee Gregory, Legislative Assistant

TABLE OF CONTENTS

1.	INVOCATION.....	04
2.	SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS. . .	04
3.	APPROVAL OF MINUTES: April 21, 2009.	05
4.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS.	05
5.	BUSINESS ARISING OUT OF THE MINUTES.	05
6.	MOTIONS OF RECONSIDERATION.	05
7.	MOTIONS OF RESCISSION.	05
8.	CONSIDERATION OF DEFERRED BUSINESS	
8.1	Monarch Rivendale Water Service Boundary.	07
9.	PUBLIC HEARINGS	
9.1	HRM By Design.	19
10.	CORRESPONDENCE, PETITIONS & DELEGATIONS	
10.1	Correspondence.	08
10.2	Petitions.	08
11.	REPORTS	
11.1	CHIEF ADMINISTRATIVE OFFICER	
11.1.1	Tender 09-028 - Lake Safety Patrol and Lifeguard Services.	08
11.1.2	Tender 09-042 - Pavement Markings - East and Central Regions.	10
11.1.3	Tender 09-043 - Pavement Markings - West Region.	10
11.1.4	Advanced Capital Funding and Award of Tender 09-160 - Lake Banook Site Improvements - The 2009 ICF Canoe Sprint World Championships.	11
11.1.5	Tender 09-220 - Pavement and Watermain Renewal, Thin Overlays, Downs Avenue - West Region.	12
11.1.6	Tender 09-228 - Paving Renewal, New Sidewalk & Water Main Renewal; Skyridge Avenue - Central Region.	12
11.1.7	Tender 09-237 - Cold-In-Place Partial Depth Recycling - Various Locations.	12
11.1.8	Tender 09-242 - Micro Surfacing Phase 1 - Various Locations.	12
11.1.9	Tender 09-244 - Paving Renewal - Beaver Bank Road - Central Region.	13
11.1.10	Water Service Area Extensions.	07
11.1.11	Windmill Road Street Plan.	13
11.1.12	1247 Bedford Highway (Former Bedford Fire Hall).	13

11.1.13	First Reading Proposed By-Law S-605, An Amendment to By-Law S-600, Respecting Solid Waste.....	15
11.1.14	Municipal and School Board Elections.	15
11.1.15	Administrative Order 11 - Feeding of Waterfowl & Pigeons. .	15
11.2	WESTERN REGION COMMUNITY COUNCIL	
11.2.1	Uniform Charge for Construction of Park in Glengarry Estates. .	16
11.3	DISTRICT 12 PLANNING ADVISORY COMMITTEE	
11.3.1	Case 01243 - Non-substantive Development Agreement Amendment - 1445-1467 South Park Street, Halifax.	16
12.	MOTIONS:.....	16
13.	ADDED ITEMS:.....	16
13.1	Councillor Smith.	17
	(i) Future of Shannon Park Property.	17
	(ii) Request Report re: Taxi Deadheading.	17
13.2	Property Matter - New World Trade and Convention Centre.	05
13.3	Property Matter - Maroon Drive Future Collector Road Transportation Reserve.....	06
13.4	Contractual Matter - 4-Pad Ice Facility.	06
13.5	Expanded Rural Transit Options.	17
13.6	Indoor Turf Facility.	18
14.	NOTICES OF MOTION:.....	18
14.1	Councillor Nicoll.	18
14.2	Councillor Adams.	18
15.	ADJOURNMENT.....	40

1. INVOCATION

The Mayor called the meeting to order 2:38 p.m. with the Invocation being led by Councillor Harvey.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Sloane advised that a Beer and Beethoven event would be held on Friday, May 8th and Saturday, May 9th with Symphony Nova Scotia.

Councillors Lund, Nicoll and McCluskey entered the meeting at 2:41 p.m.

Councillor Mosher thanked all Fire and Emergency Response personnel, volunteers from the Salvation Army, Red Cross, St. John's Ambulance and the Captain William Spry Centre, also to Shoppers Drug Mart, local hotels and restaurants who offered special rates, Insurance Personnel, HRM's Corporate Call Centre staff, Mayor Peter Kelly, Deputy Mayor Hendsbee, Councillor Adams, and the Honourable Carolyn Bolivar-Getson, Minister for the Provincial Department of Natural Resources, for their assistance during the recent forest fire in the Spryfield area. She also thanked Mr. & Mrs. Clive & Kim Jones of Mineville for offering counselling and support to those who lost their homes in the recent fire. Councillor Mosher announced that there would be an *Imagine Our Schools* meeting at Cunard Junior High at 7:30 p.m. on Thursday, May 7th. She thanked Springvale Elementary School for their recent spring fair.

Councillor Adams thanked Councillor Mosher; Roy Hollett, Acting Chief Fire Services; Bill Mosher, Chief Director Fire Services; Mayor Peter Kelly; Janet Chernin and Hugh Chisholm for offering shelter to the Evacuees' pets; Mishoo's in Sambro for their offer of food/beverages; and all volunteers for their assistance during the forest fire in Spryfield.

Councillors Watts, Smith and Barkhouse entered the meeting at 2:45 p.m.

Deputy Mayor Hendsbee commended all Fire and Emergency Services personnel and Red Cross, Salvation Army volunteers for their assistance during the recent fire in Spryfield. He expressed a special thank you to Mr. & Mrs. Clive and Kim Jones of Mineville who travelled to Spryfield to offer counselling services and support to Evacuees from the fire area. Deputy Mayor Hendsbee also noted that it was Emergency Preparedness Week and encouraged everyone to prepare a thorough emergency plan for their own families and that they attend the Jamboree to be held on Saturday, May 9th from 10:00 a.m. - 1:00 p.m. at the Porter's Lake Superstore parking lot where all emergency services will be represented to provide information to the public. Bell Park School in the Lake Echo/East Preston area will have their Spring Fling/School Fair from 9:00 a.m. to 1:00 p.m. on Saturday, May 9th.

Councillor Dalrymple noted that on Friday, May 8th the Ash Lee Jefferson School will have their annual Auction from 7:00 to 11:00 p.m. (viewing from 6:00 - 7:00 p.m.) at the LWF Community Hall on Fall River Road. On Saturday, May 9th from 10:00 a.m. to 2:00 p.m. the Ash Lee Jefferson School will have their annual School Fair. The Capilano Subdivision Spring Clean-up will be held on Saturday, May 9th.

Councillor McCluskey announced the opening of the first Green Gym/Outdoor Fitness

Centre in HRM on May 15th at 1:00 p.m.

Councillor Uteck requested a letter of condolence be sent to Ms. Trish MacManus, widow of the late Mr. Tom Roussell. Mr. Roussell was the owner of the former SOHO restaurant.

Councillor Smith announced that due to road work and water main being installed on Thistle Street in Dartmouth, the street has been closed to traffic and Cabano's, a small business located on Thistle Street, was suffering. He advised that Cabano's remained open for business and encouraged everyone to continue frequenting the store.

3. APPROVAL OF MINUTES - April 21, 2009

MOVED BY Councillor Blumenthal, seconded by Councillor McCluskey that the minutes of April 21, 2009, as presented, be approved. MOTION PUT AND PASSED.

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

- Additions:**
- 13.1 Councillor Smith
 - (i) Future of Shannon Park Property
 - (ii) Request Report re: Taxi Deadheading
 - 13.2 Property Matter - New World Trade and Convention Centre
 - 13.3 Property Matter - Maroon Drive Future Collector Road Transportation Reserve
 - 13.4 Contractual Matter - 4-Pad Ice Facility
 - 13.5 Expanded Rural Transit Options
 - 13.6 Indoor Turf Facility

Move: Item 11.1.10 to be dealt with immediately following Item 8.1.
Items 13.2, 13.3 and 13.4 to be dealt with immediately following Item 7.

MOVED BY Councillor McCluskey, seconded by Councillor Karsten that the agenda, as amended, be approved. MOTION PUT AND PASSED.

5. BUSINESS ARISING OUT OF THE MINUTES - NONE

6. MOTIONS OF RECONSIDERATION - NONE

7. MOTIONS OF RESCISSION - NONE

Council had agreed, during the approval of the agenda, to deal with Items 13.2, 13.3 and 13.4 at this time.

13.2 Property Matter - New World Trade and Convention Centre

This item was dealt with at an earlier In Camera session of April 28, 2009 and was now before Council for ratification.

MOVED BY Councillor Blumenthal, seconded by Councillor Sloane that Halifax Regional Council:

1. **Direct staff to continue work with Province of Nova Scotia staff in further exploring the due diligence of partnership opportunities for the construction and operation of a new World Trade and Convention Centre.**
2. **No decisions involving financial implications for HRM will be made without further Council direction.**
3. **The Private and Confidential report dated April 24, 2009 not be released to the public until a future final decision regarding HRM's participation in this project is approved by Council.**

MOTION PUT AND PASSED.

13.3 Property Matter - Maroon Drive Future Collector Road Transportation Reserve

This item was dealt with at an earlier In Camera session and was now before Council for ratification.

MOVED BY Councillor Johns, seconded by Councillor Rankin that Halifax Regional Council:

1. **Approve the Resolutions attached to the April 22, 2009 Private and Confidential staff report, pursuant to the provisions of the Expropriation Act and Municipal Government Act, for the expropriation of the required properties that are to be held as Transportation Reserves for future collector roads.**
2. **Authorize advanced capital budget approval of Capital Project CTU00897 Road Corridor Land Acquisition of \$403,000.**
3. **That the Private and Confidential report dated April 22, 2009 not be released to the public.**

MOTION PUT AND PASSED.

13.4 Contractual Matter - 4-Pad Ice Facility

This item was dealt with at an earlier In Camera session and was now before Council for ratification.

MOVED BY Councillor Outhit, seconded by Councillor Johns that Halifax Regional Council:

1. **Authorize the Mayor and Municipal Clerk to complete the Purchase and**

Sale Agreement for the purchase of land for the 4-Pad ice facility.

2. **Authorize the Mayor and Municipal Clerk to enter into the Design and Build contract with amendments that specify Phase 1 - making the site pad ready; and further, not commit to the further phases until the funding is approved from the other levels of government and is brought back to Council.**
3. **That the Private and Confidential report dated April 30, 2009 not be released.**

MOTION PUT AND PASSED.

8. CONSIDERATION OF DEFERRED BUSINESS

8.1 Monarch Rivendale Water Service Boundary

- A report from the Marine Drive, Valley and Canal Community Council dated April 3, 2009 was before Council.

MOVED BY Councillor Dalrymple, seconded by Deputy Mayor Hendsbee that Halifax Regional Council authorize staff to initiate the process under current by-laws and amendments to enable the area commonly known as Monarch and Rivendale Subdivisions in Beaver Bank, which include the new street and lots currently being sold and developed by Ramar Construction, to be included in the Water Service Boundary.

Councillor Dalrymple thanked the Co-Chairs of the Monarch Rivendale Homeowners Association, who were in attendance, for their phenomenal work, including the website and in-depth studies, supporting the project.

MOTION PUT AND PASSED.

Council agreed, during the approval of the agenda, to deal with Item 11.1.10 at this time.

11.1.10 Water Service Area Extensions

- A report dated April 9, 2009 was before Council.

Councillor Lund requested an amendment to Recommendation #2 to include "*and rural*" after the word "*suburban*".

MOVED BY Councillor Lund, seconded by Councillor Dalrymple that Halifax Regional Council request staff to:

1. **Re-initiate a request to the Provincial Government to amend the Halifax Charter to enable HRM to require hydrogeological assessments of ground water resources as a condition of**

granting as-of-right subdivision approvals in unserviced areas of HRM.

- 2. Investigate, in partnership with the Nova Scotia Department of Natural Resources and Environment, ground water resource capability in suburban and rural areas of HRM to determine opportunities and constraints associated with on-site well water supply, for existing communities and potential future development areas.**

Mr. Roger Wells, Supervisor, Regional and Community Planning, in response to concerns expressed by Members of Council, advised that there would be a partnership study with the Province to determine the availability of ground water resources in suburban and rural areas. The results will help address the policy criterion that calls for a study to determine the nature and extent of water quantity/quality issues when requests for water service boundary extensions are brought forward. Watershed/Servicing studies will still be carried out as a prelude to Community Visioning exercises. Water issues in areas such as Tantallon, Porter's Lake, Kearney Lake and suburban HRM will be included. Collaborating with the province to obtain the pertinent information will provide data in regard to what communities may experience future water quantity problems as well as how much future development could be accommodated. A report will be before Council shortly in regard to a Local Improvement Charge (LIC) process for the Bedford Highway area to address the water and sewer issues.

MOTION PUT AND PASSED.

9. PUBLIC HEARINGS

9.1 HRM By Design

This item was dealt with during the evening session of Regional Council. See page 19.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence - NONE

10.2 Petitions- NONE

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER:

11.1.1 Tender 09-028 - Lake Safety Patrol and Lifeguard Services

- A report dated April 21, 2009 was before Council.

MOVED BY Councillor McCluskey, seconded by Councillor Sloane that Halifax Regional Council:

- 1. Award Tender No. 09-028 to MFR Rescue Ltd. for a total tender price of \$67,590.85 (net HST included) for lake safety patrol and lifeguard services for**

the period of June 29, 2009 to September 2, 2009 with funding from Operating Account No. P445-Marine as outlined in the Budget Implications section of the report dated April 21, 2009.

- 2. Authorize staff to exercise a second year option of the tender at a cost of \$69,659.43 (net HST included) for lake safety patrol and lifeguard services for the period June 28, 2010 to September 7, 2010. The second year option is contingent upon an evaluation of the present service and budget allocation.**

Councillor McCluskey requested that a defibrillator be made available for the Lake Safety Boat, pending cost analysis.

Deputy Mayor Hendsbee requested that Lake Charlotte and Kearney Lake be included in the contract for the Lake Safety Patrol as there is heavy recreational activity on those two lakes. He also noted an error on the last page of the report: "MRF" should be "MFR". Mr. Dan English, Chief Administrative Officer advised that he would look into this request and report back to Council.

Councillor Hum confirmed the need for dedicated lake patrol services for Kearney Lake advising that Kearney Lake would be hosting a variety of international teams during the summer of 2009 as they train for the ICF Canoe Championships. She suggested that the matter be deferred pending an update from staff in regard to adding additional lakes to the safety patrol.

MOTION PUT AND PASSED.

MOVED BY Councillor Mosher, seconded by Councillor McCluskey that Item 11.1.5 be moved forward on the agenda and dealt with at this time. MOTION PUT AND PASSED.

11.1.5 Tender 09-220 - Pavement and Watermain Renewal, Thin Overlays, Downs Avenue - West Region

- A report dated April 7, 2009 was before Council.

MOVED BY Councillor Mosher, seconded by Councillor Sloane that Halifax Regional Council:

- 1. Approve a budget increase of \$170,826 (net HST included) to Capital Account No. CYU01081 - Pavement Renewal Program, funded through cost sharing with Halifax Water (HW);**
- 2. Award Tender No. 09-220, Pavement and Watermain Renewal, Thin Overlay, Downs Avenue (Brook Street - Milsom Street) - West Region to Dexter Construction Company Limited for a Total Tender Price of \$361,174.00 (net HST included) with funding from Capital Account Nos. CYU01081 - Paving Renewal Program and CZU01082 - Resurfacing Program, as outlined in the Budget**

Implications section of the report dated April 7, 2009.

MOTION PUT AND PASSED.

11.1.2 Tender 09-042 - Pavement Markings - East and Central Regions

- A report dated April 20, 2009 was before Council.

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

- 1. Award Tender No. 009-042 - Pavement Markings - East and Central Regions to Carvery's Painting Limited for material and services listed as the unit prices quoted for a total tender price of \$81,296.23 (net HST included) for Year One (1) on the contract, May 15, 2009 to September 30, 2009 with funding from Operating Account No. R747 6399 - Traffic Signs as outlined in the Budget Implications section of the report dated April 20, 2009;**
- 2. Approve the award for Year Two (2) of the contract, May 15, 2010 to September 30, 2010 to Carvery's Painting Limited for \$84,171.55 (net HST Included) contingent upon an annual performance review and budget allocation;**
- 3. Approve the award for Year Three (3) of the contract, May 15, 2011 to September 30, 2011 to Carvery's Painting Limited for \$86,043.62 (net HST included) contingent upon an annual performance review and budget allocation.**

Mr. Ken Reashor, Manager Traffic Authority, Traffic and Right of Way Services, responded to Councillor Smith that HRM has implemented the following procedures to address previous quality control issues: three year contracts with annual performance review as well as a Supervisor assigned to perform maintenance inspections on the contracted work.

MOTION PUT AND PASSED.

11.1.3 Tender 09-043 - Pavement Markings - West Region

- A report dated April 20, 2009 was before Council.

MOVED BY Councillor Blumenthal, seconded by Councillor Wile that Halifax Regional Council:

- 1. Award Tender No. 09-043 - Pavement Markings - West Region to Provincial Pavement Markings Limited for material and services listed at the unit prices quoted for a total tender price of \$80,147.13 (net HST included) for Year One (1) on the contract, May 15, 2009 to September 30, 2009 with funding from Operating Account No. R747 6399 - Traffic Signs as outlined in the Budget**

Implications Section of the report dated April 20, 2009;

- 2. Approve the award for Year Two (2) of the contract, May 15, 2010 to September 30, 2010 to Provincial Pavement Markings Limited for \$84,884.18 (net HST included) contingent upon an annual performance review and budget allocation;**
- 3. Approve the award for Year Three (3) of the contract, May 15, 2011 to September 30, 2011 to Provincial Pavement Markings Limited for \$80,147.13 (net HST included) contingent upon an annual performance review and budget allocation.**

Councillor Walker requested confirmation on the Year Three contract amount as it was identical to Year One.

Councillor Walker expressed concern with the ability of the company to complete the winter work repairs while taking on additional projects. He noted that there had been extensive damage to lawns in his area during the snow removal season and those repairs have not been completed.

Councillor Hum noted that there was also extensive work remaining to be done in her area as well by Provincial Pavement and agreed that an annual performance review definitely had to be done.

Mr. Ken Reashor, Manager / Traffic Authority, Traffic and Right of Way Services, Transportation and Public Works, responded to Mayor Kelly that Provincial Pavement Markings Limited would be responsible for rectifying any over spray that may occur.

MOTION PUT AND PASSED.

11.1.4 Advanced Capital Funding and Award of Tender 09-160 - Lake Banook Site Improvements - The 2009 ICF Canoe Sprint World Championships

- A report dated April 17, 2009 was before Council.

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

- 1. Approve advanced capital from the 2009-10 Capital Budget of \$1.1M from CPX01060, World Canoe Championships - Lake Banook, as per the Budget Implications section of the report dated April 17, 2009;**
- 2. Award Tender No. 09-160 Lake Banook Site Improvements to Dexter Construction Company for a Total Tender Price of \$1,873,172 (net HST included) with funding from CPX01060, World Canoe Championships - Lake Banook, as outlined in the Budget Implications section of the report dated April 17, 2009.**

Mr. Peter Bigelow, Manager, Real Property Planning, Infrastructure and Asset Management, responded to Councillor Johns that no money was being allocated to this project to the detriment or delay of the Metropolitan Field upgrades.

MOTION PUT AND PASSED.

11.1.5 Tender 09-220 - Pavement and Watermain Renewal, Thin Overlays, Downs Avenue - West Region

This item was dealt with earlier in the meeting. See page 9.

11.1.6 Tender 09-228 - Paving Renewal, New Sidewalk & Water Main Renewal; Skyridge Avenue - Central Region

- A report dated April 23, 2009 was before Council.

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

1. **Approve a budget increase of \$318,348.25 (net HST included) to Capital Account No. CYU01081 - Paving Renewal Program, funded through cost sharing with the Halifax Water.**
2. **Award Tender No. 09-228, Paving Renewal, New Sidewalk & Water Main Renewal; Skyridge Avenue - Central Region to Dexter Construction Company Limited for a Total Tender Price of \$856,909.27 (net HST included) with funding from Capital Account No. CYU01081 - Paving Renewal Program, and Capital Account No. CJU01083 - New Sidewalks, as outlined in the Budget Implications section of the report dated April 23, 2009.**

MOTION PUT AND PASSED.

11.1.7 Tender 09-237 - Cold-In-Place Partial Depth Recycling - Various Locations

- A staff report dated April 17, 2009 was before Council.

MOVED BY Councillor Johns, seconded by Councillor Outhit that Halifax Regional Council award Tender No. 09-237, Cold-In-Place Partial Depth Recycling - Various Locations to Lafarge Canada Inc. for a Total Tender Price of \$1,276,520.72 (net HST included) with funding from Capital Account No. CZU01082 - Resurfacing Program, as outlined in the Budget Implications section of the report dated April 17, 2009.

Councillor Johns requested clarification on the status of Lafarge Canada Inc. and Dexter Construction in regard to which group would actually be doing the work.

MOTION PUT AND PASSED.

11.1.8 Tender 09-242 - Micro Surfacing Phase 1 - Various Locations

- A report dated April 6, 2009 was before Council.

MOVED BY Councillor Nicoll, seconded by Councillor Blumenthal that Halifax Regional Council award Tender No. 09-242, Micro Surfacing - Phase 1 - Various Locations to Industrial Cold Milling for a Total Tender Price of \$1,021,247.60 (net HST included) with funding from Capital Account No. CZU01082 - Resurfacing Program and CTU00420, Bikeway Master Plan Implementation, as outlined in the Budget Implications section of the report dated April 6, 2009. MOTION PUT AND PASSED.

11.1.9 Tender 09-244 - Paving Renewal - Beaver Bank Road - Central Region

- A report dated April 17, 2009 was before Council.

MOVED BY Councillor Dalrymple, seconded by Councillor Karsten that Halifax Regional Council award Tender No. 09-244, Paving Renewal - Beaver Bank Road (Tucker Lake Road to Rosley Road), Central Region to Dexter Construction Company Limited for a Total Tender Price of \$321,043.62 (net HST included) with funding from Capital Account No. CYU01081 - Paving Renewal Program, as outlined in the Budget Implications section of the report dated April 17, 2009. MOTION PUT AND PASSED.

11.1.10 Water Service Area Extensions

This item was dealt with earlier in the meeting. See page 7.

11.1.11 Windmill Road Street Plan

- A report dated April 20, 2009 was before Council.

MOVED BY Councillor Smith, seconded by Councillor Karsten that Halifax Regional Council approve the Windmill Road Street Plan as shown in Attachment One of the report dated April 20, 2009 on condition that the business community be consulted in regard to the placement of the median cuts.

Councillor Smith expressed concern with approving the plan prior to a final decision on the placement of the median cuts.

Mr. David McCusker, Manager, Regional Transportation, Regional Plan, advised that some consultation with area businesses has already taken place resulting in a mixed reception with some who lost direct access being against the median with other businesses seeing it as necessary. The centre median would be a safety measure and specifics of the median cuts could be subject to future consultation. The recommendation before Council was to replace the two-way centre lane with a centre median. Staff will return to Council with the median cut positions once final consultation has been held with the business community.

Deputy Mayor Hendsbee noted that a median would be more problematic and restrictive

noting that painting a barrier would be cheaper and require no capital expenditure.

MOTION PUT AND PASSED.

11.1.12 1247 Bedford Highway (Former Bedford Fire Hall)

- A report dated March 30, 2009 was before Council.

MOVED BY Councillor Outhit, seconded by Councillor Lund that Halifax Regional Council issue a request for Expression of Interest (EOI) from non-profit organizations for the purchase and redevelopment of the former Bedford Fire Hall, 1247 Bedford Highway (PID#00428342).

In response to Councillor McCluskey, Ms. Cathie O'Toole, Director, Finance, advised that the matter of uncollected funds from this facility would be before Council in the near future.

Councillor Johns expressed concern that an offer to purchase the property at full market value had been previously received, after numerous attempts to utilize the facility as a Youth Centre, yet the offer was turned down. There was now an outstanding deficit that would have to be covered by the taxpayers. He expressed concern with the inequities in how centres are dealt with throughout the Municipality as other facilities under Management Agreements were funded by area rates. He also noted that the Sackville Lake District Recreation Centre paid off a loan in four years on their own. He recommended that the building be sold and the money used to pay the debt. Councillor Johns also noted that the sampling involved only 385 households which was not a very large sampling considering the population of Bedford.

Mr. Andrew Whittemore, Manager, Community Development, advised that the survey results showed a high response from the public in regard to considering an area rate to support the facility.

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

MOVED BY Deputy Mayor Hendsbee, seconded by Councillor McCluskey that the motion be amended to expand the Expression of Interest to the open market including the private sector and not limited to non-profit organizations.

Councillor Walker noted that the amendment did not meet the scoring matrix included in the report and any group not meeting the matrix would not score very high.

Mr. Mike Labrecque, Director, Transportation and Public Works, advised that there was a commercial variant which permitted acceptance of both commercial and not for profit.

Councillor Uteck noted that staff have done what Council had requested, therefore; she was not in support of the amendment.

MOTION TO AMEND PUT AND DEFEATED.

Without a vote being taken on the main motion, the following motion was placed:

MOVED BY Councillor Karsten, seconded by Councillor Blumenthal that the matter be deferred to an In Camera session for further discussion.

Councillor Karsten noted that he had previously requested the matter be returned to an In Camera session for further discussion.

MOTION TO DEFER PUT AND DEFEATED.

Discussion ensued on the main motion as follows:

MOVED BY Councillor Outhit, seconded by Councillor Lund that Halifax Regional Council issue a request for Expression of Interest (EOI) from non-profit organizations for the purchase and redevelopment of the former Bedford Fire Hall, 1247 Bedford Highway (PID#00428342).

Councillor Outhit noted that the community of Bedford has a tremendous shortage of meeting space and the building would provide for some meeting room requirements. He explained that the motion was to sell at less than market value, not to give the building away for \$1.

In response to Councillor Karsten, Mr. Labrecque advised that the building was in need of capital repairs and has simply been maintained since 2006 with no major infrastructure investment.

Councillor Blumenthal suggested that the deficit be paid prior to selling at less than market value.

MOTION PUT AND PASSED.

11.1.13 First Reading Proposed By-Law S-605, An Amendment to By-Law S-600, Respecting Solid Waste

- A report dated April 22, 2009 was before Council.

MOVED BY Councillor Karsten, seconded by Councillor Uteck that Halifax Regional Council Give First Reading of By-Law S-605, an amendment to By-Law S-600 Respecting Solid Waste, as contained in Appendix A of the April 22, 2009 staff report and set a public hearing date. MOTION PUT AND PASSED.

11.1.14 Municipal and School Board Elections

- A report dated April 24, 2009 was before Council.

MOVED BY Councillor Outhit, seconded by Councillor Blumenthal that Halifax Regional Council direct the Election Office to:

1. **Conduct a fully integrated E-voting and In-person election for any Special Elections to be held within the Region before the 2012 Municipal and School Board Elections.**
2. **Bring forward amendments to By-Law A-400 Respecting Alternative Voting to allow Council flexibility in the time frames for Alternative Voting.**

MOTION PUT AND PASSED.

11.1.15 Administrative Order 11 - Feeding of Waterfowl & Pigeons

- A report dated March 10, 2009 was before Council.

MOVED BY Councillor McCluskey, seconded by Councillor Blumenthal that Halifax Regional Council approve the amendment to Administrative Order #11 as per the revised Schedule 1. MOTION PUT AND PASSED.

11.2 WESTERN REGION COMMUNITY COUNCIL

11.2.1 Uniform Charge for Construction of Park in Glengarry Estates

- A report dated April 28, 2009 was before Council.

MOVED BY Councillor Rankin, seconded by Councillor Lund that Halifax Regional Council approve an annual uniform charge of \$35.00 per property to be applied against the properties within the mapped area depicted in Appendix A of the report dated April 3, 2009, attached as Attachment 1 to the report dated April 28, 2009, for a period of 2 years commencing with the 2009-10 fiscal year, for the purpose of funding the construction of a new playground for the Glengarry Estates subdivision.

Implementation of this area rate would be conditional on the Glengarry Estates Homeowners' Association securing two-thirds funding from HRM and the Nova Scotia Department of Health Promotion and Protection. MOTION PUT AND PASSED.

11.3 DISTRICT 12 PLANNING ADVISORY COMMITTEE

11.3.1 Case 01243 - Non-substantive Development Agreement Amendment - 1445-1467 South Park Street, Halifax

- A report dated April 28, 2009 was before Council.

MOVED BY Councillor Sloane, seconded by Councillor Rankin that Halifax Regional Council:

1. **Approve by resolution the non-substantive amendment to the existing development agreement for 1445-1467 South Park Street, Halifax, as detailed in the amending agreement appended as Attachment A of the report dated March 27, 2009; and**

2. **Require that the amending agreement be signed and returned within 120 days, or any extension thereof granted by Regional Council on request of the applicant, from the date of final approval by Regional 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.**

MOTION PUT AND PASSED.

12. **MOTIONS - NONE**

13. **ADDED ITEMS**

13.1 **Councillor Smith**
(i) Future of Shannon Park Property

MOVED BY Councillor Smith, seconded by Councillor Sloane that a letter be sent to The Honourable Minister Peter McKay, MP Mike Savage, the Department of National Defence and all other appropriate bodies requesting a status update on the Shannon Park lands. MOTION PUT AND PASSED.

(ii) Request Report re: Taxi Deadheading

MOVED BY Councillor Smith, seconded by Councillor Wile that Halifax Regional Council request a report, to be before Regional Council in one month's time, in regard to how to make environmental improvements to the taxi industry in respect to reduction of greenhouse gas emissions caused by deadheading. MOTION PUT AND PASSED.

13.2 **Property Matter - New World Trade and Convention Centre**

This item was dealt with earlier in the meeting. See page 5.

13.3 **Property Matter - Maroon Drive Future Collector Road Transportation Reserve**

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

13.4 **Contractual Matter - 4-Pad Ice Facility**

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

13.5 **Expanded Rural Transit Options**

This item was dealt with at an earlier Committee of the Whole session and was now before Council for ratification.

MOVED BY Councillor Adams, seconded by Councillor Lund that Halifax Regional Council direct staff to:

1. **Proceed with introducing the Sambro Loop Rural Transit route in 2009/10 on a “pilot” basis using available vehicles and funding provided by the fare increase.**
2. **Defer any requests for the additions of any new Rural Transit Services not currently in the 5-Year Approach to Transit Enhancements until a plan is in place to pay for the expanded services.**
3. **Develop Rural Transit Service Standards, and return to Council in September 2009 as part of the updated Operational Plan, with an outline approach and a financial plan to introduce Rural Transit Services, including recommendations to help Council determine under what conditions rural service should be expanded, and in what order of priority, recommendations regarding operational issues, service design and required changes to the 5 year Capital Plan, as well as the necessary adjustments required to the current approved 5 Year Approach to Transit Enhancements.**

MOTION PUT AND PASSED.

14. NOTICES OF MOTION

14.1 Councillor Nicoll

“Take notice that at the next regular meeting of Halifax Regional Council to be held on Tuesday, May 12, 2009, I intend to move a motion to ask staff to prepare a report to Council with the possibility options to modify the transit tax structure and/or boundaries chosen by Council on April 28, 2009 (Option 6b) to address some of the anomalies and concerns raised subsequent to Council’s decision. The option should be complimentary and not deviate from the spirit or intent of Option 6b. Further, the options to be brought back for this year’s budgetary discussions.”

14.2 Councillor Adams

“Take notice that at the next regular meeting of the Halifax Regional Council to be held on May 12, 2009, I intend to introduce a motion to amend HRM’s tendering policy to allow the Chief Administrative Officer the ability to award tenders up to \$500,000, consistent with the other provisions of the policy.”

Council recessed at 4:40 p.m.

Council reconvened at 5:08 p.m.

13.6 Indoor Turf Facility

This item was dealt with at an earlier Committee of the Whole session and was now before Council for ratification.

MOVED BY Councillor Walker, seconded by Councillor Hum that Halifax Regional Council approve the terms of the Agreement between the Soccer Nova Scotia and

**the Halifax Regional Municipality as attached to the report dated March 12, 2009.
MOTION PUT AND PASSED.**

The meeting recessed at 5:09 p.m.
The meeting reconvened at 6:15 p.m.

9. PUBLIC HEARINGS

9.1 HRM By Design

- A Supplementary Staff Report dated April 2, 2009 was before Council.
- An Urban Design Task Force Report dated March 12, 2009 was before Council.
- A Regional Plan Advisory Committee Report dated February 19, 2009 was before Council.
- A Heritage Advisory Committee Report dated March 12, 2009 was before Council.
- A revised Staff Report dated February 4, 2009 was before Council.
- A Proposed Downtown Halifax Secondary Municipal Planning Strategy was before Council.
- A Proposed Downtown Halifax Land Use By-Law was before Council.
- A Proposed Barrington Street Heritage Conservation District Revitalization Plan and By-Law was before Council.
- A District 12 Planning Advisory Committee Report was before Council.

The following persons forwarded written submissions which were before Council: Mr. Brenton Haliburton, Ms. Heather Yule, Sandy Greenberg, Mr. James F. Wiltshire, Ms. Beverly W. Miller, Ms. Anne Hanlon, Mr. Arthur A. Irwin, Dr. Petra Mudie, Mr. Martin Rudy Haase, Ms. Janet Shotwell, Ms. Andrea D'Sylvia, Ms. Nancy Covington, Ms. Mary M. Schaefer, Ms. Judith Fingard, Ms. Vera Ford, Mr. Philip Pacey, Mr. Denault Blouin, Ms. Peggy Cameron, Ms. Rebecca Jamieson, Mr. Chris Beaumont, Mr. Kevin Scherzinger, Ms. Linda Scherzinger, Dr. Michael Bradfield, Mr. Angus McDonald, Mr. Graham Read, Mr. David Wimberly, Mr. Lyndon Watkins, Ms. Liz MacDougall, Ms. Carol Johnstone, Mr. Sifford Pearre, Mr. Allan Robertson, Sylvie Moon Stevenson, Mr. David King, Mr. Tim Maillet, Mr. Andrew Inch, Mr. Don Mills, Mr. John Crace, Ms. Kristen Pickett, Mr. Thomas C. Skinner, Ms. Tania Crouse, Mr. Julian Gibbs, Mr. David Lewis, Mr. Jim Mills, Ms. Karen Woolhouse, Ms. Gillian Pullen, W.B. Greenwood, Mr. Mike Uberoi, Ms. Jennifer Johnson, Ms. Donna Leadbetter, Ms. Jean Guibault, Ms. Carolyn Crouse, Mr. Michael Smith, Mr. Colin MacLean, Mr. Adam Gallant, Mr. David Martin, Mr. Ted Hyland, Mr. Rob Pittman, Mr. Paul MacKinnon, Ms. Tristan Cleveland, Steffen Kaeubler, Mr. Jon Frost, Mr. Paul Beasant, Mr. Don Webster, Mr. Jeff Somerville, Ms. Sarah Williams, Mr. Sean Williams, Mr. Colin Gillis, Ms. Jennifer Banfield, Mr. Brent Larsen, Mr. Damian K. Byrne, Mr. Maurice J. Muise, Mr. Hugh Bray, Mr. Roy W. Willwerth, Mr. Scott Waldick, Mr. Jonathan Seller, Mr. Eric Fry, Mr. Jonathan Wilkie, Mr. Anthony Archibald, Mr. Larry Moores, Mr. Richard Withington, Mr. Jim Mills, Ms. Susan Arbing, Mr. J. Michael Hanusiak, Ms. Kendra L. Barnes, Mr. Brad Dykema, Ms. Gina McFetridge, Mr. Emanuel Jannasch, Ms. Maria McGowan, Ms. Beatrice Schori, Mr. Nathan Rogers, Mr. Ron Burdock, Tori Jarvis, B. MacDougall, Kirby Putnam, Ms. Rachel Boomer, Mr. Greg Grice, Ms. Jennifer Hopper, Ms. Margaret Chapman, Mr. Evan Jones, Ms. Sarah Dawson, Ms. Katherine Sullivan, Ms. Pam Lionais, DJ French, Ms. Lyndsay Haines, Ms. Ann MacKenzie, Ms. Wendy MacGregor, Mr. Larry Haiven, Mr. John T. Stuart, Mr. Anthony Mancini, Ms. Doris Maley, Mr. Patrick LeRoy,

Ms. Jen Hill, Mr. Franklyn Medjuck, Mr. Louis Reznick, Mr. Louie Lawen, Ms. Sarah Gordon, GPI Atlantic, Ms. Jen Powley, Ms. Molly De Shong, Rank Incorporated, Mr. Mark Archibald, Ms. Elizabeth Jones, Rev. Dr. I. Ross Bartlett for Timothy Matthews, Mr. Jeff Lamb, Ms. Matina AuCoin, Ms. Carole Olsen.

Mr. Andy Fillmore, Project Manager, HRM by Design, Community Development, presented the report to Council.

Mayor Kelly reviewed the procedure for Public Hearings then called for speakers for or against the proposal.

Mr. Denault Blouin, Halifax, advised Council that HRM values history and raised concern that the final draft of HRMbyDesign allows City Hall to be dwarfed. He noted that HRM needs to respect the view planes and heritage districts. He urged Council to show the public the 3D model and to retain heritage protections. He advised that true public conversations be held on the issue. He stated that now is the time for CO2 emission reductions, standards for sustainable design, building and energy use. He noted that there is a need to redesign HRMbyDesign and get it right from the start. There needs to be a sustainable Halifax, and with this a process to create a new heritage for HRM. He urged that Council and staff to take Natural Step training now. He requested Council to suspend HRMbyDesign in order to redesign it to make Halifax a green city.

Mr. Ronald Coleman, Glen Haven, GPI Atlantic, raised concern whether the implementation of the plan may undercut the vision. He noted that it is difficult to evaluate the implementation to achieve the goals of HRMbyDesign. He advised that sustainability is in question, whether there be more or less congestion and he added that the carbon footprint is unknown. He asked whether the HRM vision is met. These questions have to be addressed. It is not known what this will have on tourism, and the impact on future generations. He advised that these impacts have to be assessed to know if the implementation will achieve targets. He stated that there is too much at stake to put the cart before the horse. He urged Council to not approve the plan until the functional plans are approved and the impacts are assessed.

Ms. Peggy Cameron, Halifax, Friends of the Halifax Common, advised Council that the views from Citadel Hill need to be protected. She noted that Citadel Hill is a special place and a significant national historic site with a world famous view. She advised that this plan will threaten views. She added that HRMbyDesign offers no choices for sustainability, and no requirement for more green space. She advised that HRM needs a transportation plan, green energy and green building. She advised Council that the plan includes no requirement for affordable housing. She advised Council that these policies need to be met.

Councillor Adams requested clarification of the representation that was produced by Ms. Cameron regarding the view from the Citadel. Mr. Fillmore advised that there are currently no panoramic regulations in place regarding views from the Citadel.

Mr. Fred Morley, Halifax, Greater Halifax Partnership, expressed appreciation to the Urban Design Task Force and noted that the process included dozens of meetings with thousands of people in attendance. He added that the existing planning application is

lengthy, and noted that HRMbyDesign streamlines the process, leading to a healthy downtown community. He stated that many developers consider HRM has the most difficult processes in Atlantic Canada. He added that HRM needs growth and companies to come here. He expressed the need for a new convention centre. He added that without vibrancy in the downtown, the City will become a City with no future. He stated that stagnation is not an option, HRM needs to move forward.

Ms. Valerie Payne, Halifax, Halifax Chamber of Commerce, advised she is in full support of HRMbyDesign. She advised that working people will support HRMbyDesign if it would make Halifax a better city and Council must do what is best for Halifax in the long term. She stated that the downtown is dying from neglect. She added that the plan has pitted people against each other, adding that no plan will please all people at all times. She stressed the importance of well designed districts in the area and the need to get people into the area. She advised that HRMbyDesign is positive change and urged Council to say yes to HRMbyDesign.

Ms. Elizabeth Pacey, Halifax, advised Council that it has the Halifax Citadel, and stated that the City has been listed as one of the thousand places to see before you die due to its historic buildings and its waterfront. She noted that Halifax is a dramatic setting with a well preserved seaport, impressive fortifications, and its views over Halifax and its harbour, She added that it is important to preserve the view. She advised that currently in the MPS, there are policies to protect the Harbour view. HRMbyDesign would delete the view to the harbour with building heights which will block the view. She advised that some height limits of 45 feet would be increased to 72 feet. She advised that there needs to be lower heights on registered heritage properties and she added that the heritage properties are the economic engine bringing tourists to Halifax.

Councillor Adams requested clarification to the allowable heights as the interpretations are not consistent with the view planes from the Citadel. Mr. Fillmore advised that the HRMbyDesign height approach will reduce under the current policy, except for the World Trade and Convention Centre.

Ms. Dale Godsoe, Halifax, Chair of the Urban Design Task Force, advised Council that HRMbyDesign has included massive input from many persons over the past three years. She noted that the plan has received input from the Regional Plan Advisory Committee, the Heritage Advisory Committee and Urban Design Task Force. She added that over six thousand stakeholders have created the plan. She noted that although the plan is not perfect it is a good plan supported by a majority of citizens. HRMbyDesign will promote change and stimulate growth. She advised that HRM needs the downtown to feel great, adding that this is a very good city and HRM needs to take this opportunity to adopt this twenty-five year HRMbyDesign plan.

Council recessed at 7:35 p.m.

Council reconvened at 7:46 p.m.

Ms. Barbara Webber, Halifax, advised Council that there should be development done in context to history. She noted that there has been much discussion on height and advised that appropriate and innovative styles can be profitable. As a resident of Schmidville, she noted HRMbyDesign is not in that area, but she urged Council to carefully consider the

types of building surrounding the area.

Mr. Andrew Inch, Halifax, advised Council that he supports HRMbyDesign. He stated that Halifax is a city engine of prosperity. He stated that his generation needs to leave a legacy of its own, and he asked groups who oppose to articulate their decisions and propose alternative constructive solutions. He urged Council to be the leaders of today and support HRMbyDesign.

Ms. Tori Jarvis, Halifax, Fusion Halifax, advised that Fusion Halifax is an organization working with next generation, and it supports HRMbyDesign. She advised that height and heritage does not need to be mutually exclusive. She stated that HRM needs to attract world class companies to Halifax. She advised Council that Fusion is asking Council to show leadership by supporting HRMbyDesign.

Mr. Steve Lionais, Halifax, advised he became a member of Fusion due to HRMbyDesign. He stated that he went to an early visioning session and was excited by the opportunity. He added that he recently moved back to Halifax and wants to be a part of the new vision. He added that HRMbyDesign will prevent bad development by having business open to the street. He urged Council to support HRMbyDesign.

Mr. Peter McCurdy, Halifax, advised Council that he is pro business but is concerned where Halifax is headed. He noted that the new generation looks at the quality of life when determining where they will live. He noted that HRM heritage is unique and needs to be protected as it is the beginning of Halifax. He raised concerns that there have not been many studies sited. He added that there has not been much discussion on the expected increase in businesses that anticipated to relocate to Halifax. He noted that heritage areas make a great area for developers, but he urged Council to hang on to and be gentle with HRM heritage.

Mr. Ulrich von Hagen, Dartmouth, advised Council that he moved to Halifax three years ago for the quality of life and is concerned that HRMbyDesign may harm this. He stated that HRM needs an urban development plan, and that ecological aspects need to be addressed. He raised concerns that the design committee will have the power to decide on development, adding that the Utility and Review Board would not be utilized. He stated that HRMbyDesign is premature, and is concerned that this will cement the wrong path. He requested that Council not vote for the current version, adding that a fourth draft is required to deal with ecological issues.

Mr. Don Mills, Halifax, commended Council and staff on this visionary plan. He advised that HRMbyDesign is approximately at 90% of what the city needs. He noted that Vancouver and Washington DC has successfully gone through this process. He stated that heritage can be incorporated into a busy downtown. He encouraged Council to get on with building the city with this plan. He stated that over the past ten years HRM has lost one to two billion dollars in development in the downtown, in one of the best economic times in Halifax. He urged Council to adopt HRMbyDesign.

Mr. Alec Brown, Halifax, Chair for the Ecology Action Centre, advised that sustainability needs to be part of the future. He noted that the design guidelines have sustainable requirements, although there is one problem, these guidelines are only suggestions. He

stated that building standards are not a municipal but a provincial issue. He advised that he submitted possible amendments. He stated it is still possible for HRM to have energy efficient buildings, at 40% more efficient than the current standards. He added that bonus buildings must be sustainable before anything else.

Ms. Sophia Horwitz, Halifax, stated that she is really excited by the initiative. She noted that the plan is not perfect, noting an absence of stable space. She added that HRM needs to get going on a sustainable city.

Ms. Rachel Derrah, Halifax, advised Council that HRM needs residential density in the downtown core including affordable and different types of housing. She advised that there has to be information on the public benefits of the incentives of the plan in the Barrington Street Heritage District. She noted that HRM needs to move on the implementation of the process with constructive feedback. Council needs to ensure height quality design professionals who know sustainability are utilized. She supports the plan and urged all residents to be engaged in the process.

Ms. Dulcie Conrad, Halifax, Halifax Regional Home Association, advised Council she has attended many planning meetings and meetings on HRMbyDesign. She noted that citizen participation has taken a back seat to HRMbyDesign. She advised that the local media is doing a poor service in reporting HRMbyDesign. She questioned why the rush to approve the plan. She added her concern regarding the destruction of East Coast heritage. She noted that HRM has to have a solid plan.

Mr. William Hyde, Bedford, stated that a stock of heritage buildings in the downtown be preserved to respect the heritage. He noted that HRM needs to encourage growth in building and population, and support an increase in recreational and social activities. He advised there is a need to improve the development approval process. He noted that the plan has been arrived at through a great deal of work and consultation on the part of many stakeholders. He added that this plan is widely supported in the community as residents are dissatisfied with the status quo.

Ms. Katherine Perrott, Halifax, District 12 Planning Advisory Committee, stated to Council that there is a need for affordable housing and schools in the downtown. She added that a better planning process is a good step in the right direction. She raised a concern that only those residents in the downtown can appeal a decision. She noted that open spaces are deferred to the functional plans. She urged Council to enact the Barrington Street and other heritage conservation districts immediately. She noted that policy in regard to heritage buildings needs to be strengthened. She stressed a need for stronger demolition controls and requested that new buildings not be built with blank walls. She stated that there is a need for more public consultation and the monitoring of the downtown plan. She advised she would have preferred more information in the report, but supports the spirit of the plan.

Mr. Colin MacLean, Halifax, President of the Waterfront Development Corporation, advised that this plan works with the Queens Landing Project, and the development aimed at persevering Canada's Naval Memorial, HMCS Sackville. He noted that HRMbyDesign preserves view planes to the water and the boardwalk. He advised that he supports HRMbyDesign and he added that it will improve the lives of the residents in HRM.

Ms. Donna McGuinness, Halifax, stated that she endorses vision and pride in the City but urged Council to not adopt the current vision of the plan noting that HRM needs to get it as right as it can. She added that any specification in the plan should focus on strengthening the uniqueness of Halifax, for example, the Citadel. HRM needs to stress its historical uniqueness and its environmental uniqueness. She stated that the process needs a review and community consultation.

Mr. Phil Pacey, President of Heritage Trust of Nova Scotia, raised concern regarding views, heritage buildings and the proposed amendments. He added that towers as noted in the convention centre will have devastating impacts on the view. He noted that with HRMbyDesign would increase as of right heights around the area. He added that HRMbyDesign will enable increased heights at ninety-five registered heritage properties raising the concerns of increased incentive to demolish buildings and rebuild for increased heights. He suggested that developments should be limited to the heights of current heritage buildings. He added that HRMbyDesign has cost time and money and has weakened the protection of buildings by increasing heights and putting buildings at risk. He advised that Heritage Trust has significant concerns over the plan and he added that the plan should go to District 12 Planning Advisory Committee for a detailed review. He advised Heritage Trust has put forward an alternative.

Councillor Adams requested clarifications to view planes to Georges Island and Halifax Harbour. Mr. Fillmore advised that lowering the heights at foothills of the hill will lower the current heights.

Councillor Watts requested clarification to the building heights in the downtown and as of right.

Councillor Johns requested as of right under a development agreement.

Mr. Fillmore advised that these issues will be clarified as part of the supplementary report.

Mr. Andrew Black, Halifax, stated that this is a message to Halifax to progress or not progress. He added that rural communities in Nova Scotia have been losing population. He added that heritage without development is a serious threat. He noted that the City has not had Class A development in over twenty years and that the City is dying a slow death. He stated that HRM has a choice to move forward and implored Council to pass HRMbyDesign.

Council recessed at 8:55 p.m.

Council reconvened at 9:10 p.m.

Discussion ensued regarding May 6th Regional Council Public Hearing start time.

MOVED BY Councillor Walker, seconded by Councillor Sloane, that Regional Council reconvene on May 6, 2009 at 1:00 p.m. to 10:00 p.m.

It was clarified that the public hearing for May 6th was scheduled from 10:00 a.m. to 8:00 p.m.

MOTION DEFEATED.

Ms. Krista Fisher, Halifax, stated that she moved from Toronto to Halifax and is concerned that if there is no growth, she may have to move back to Ontario or West. She stated she supports HRMbyDesign.

Mr. Caylum Evong, Halifax, advised that he is in favour of the proposal. He added that new innovative building results in a prosperous city and he advised that the plan will encourage smarter development. He added that HRM cannot continue to take years for project regulatory approvals. He stated that future generations will prosper from HRMbyDesign.

Mr. Wally Geldart, Halifax, stated he has lived in HRM more than forty years and is currently living in a condo in Halifax. He advised that higher density will dramatically increase traffic. He advised that traffic and city density needs to be addressed. He stated that all areas need to be welcoming and affordable to all residents. He added that elimination of green spaces is not an ecological plan.

Ms. Karla Nicholson, Halifax, General Manager of the Quinpool Road Business Association, advised that she represents over one hundred businesses on Quinpool Road. She stated that the downtown is dying and HRM cannot continue with the status quo. She added that the current system discourages development, young people are leaving the area, and businesses are suffering. She stated that she believes in pro development not anti heritage. She added that HRMbyDesign used extensive consultation and she urged Council to support HRMbyDesign.

Mr. Cesar Saleh, Halifax, stated that the plan makes sense and it will bring growth and a vibrant downtown. He stated that the plan will assist in attracting immigrants and investors to the City. He advised that the HRMbyDesign process was carried out with professionalism and skill.

Mr. John Lindsay Jr., Halifax, advised Council that he has been working in the property business since 1973. He stated that he has witnessed paralysis in the City. He added that he attended the HRMbyDesign process throughout the past two years. He added that HRMbyDesign is not an end it is a beginning. He advised that this plan will have HRM moving forward.

Mr. Kevin Ball, St. Margarets Bay, advised Council that the HRMbyDesign document is flawed. He noted that the process needs to slow down. He advised that the heritage protection is too vague with too many possibilities of appeal. He added that there is no emphasis on tourism. He stated that HRM doesn't need a plan that would permit overbearing of heritage.

Mr. Colin Gillis, Halifax, advised Council that as a small business owner, he does more business in St. John's than Halifax and he raised concern that he may not be able to stay in HRM if growth does not occur. He stated that HRMbyDesign would allow business to expand and employ more people in the city. He stated he hopes to see HRMbyDesign approved.

Ms. Jean Chard, Dartmouth, stated that she participated in many public meetings, although she did not feel her voice was heard. She felt that during the meetings that there was influence by developers and builders that were in attendance. In the beginning, she was excited by the idea, but now cannot support the plan. She stated that development plans are too loose, and added that she is shocked that the plan relinquishes the say on the development in the city by Council. She noted that development is necessary and desirable, but HRMbyDesign is not the way to go. She stated that developers are motivated by money, those who live here are motivated by quality of life. She stated that HRM is not Vancouver, it is Halifax on the East Coast.

Ms. Beverly Miller, Halifax, urged Council not to pass HRMbyDesign. She noted that public consultation is a myth, as the public did not participate. She noted that the District 12 Planning Advisory Committee was excluded from the process. She stated that the plan has no sustainability, transportation issues are not addressed nor acceptable treatment of its heritage. She noted that the plan did not take into the account the conclusions of the Hazeltine Report, the Turner Drake Report, or the GPI Atlantic Report.

Councillor Johns requested that the noted reports be discussed in the supplementary report to Council.

Mr. James Stuewe, Halifax, advised Council that he supports HRMbyDesign and is excited to see where the community can go. He noted that people say they like the plan and he encouraged Council to support HRMbyDesign.

Council recessed at 10:00 p.m.

The meeting reconvened at 10:05 a.m., Wednesday, May 6th with all Members of Council in attendance with the exception of Councillor Steve Streach.

Mayor Kelly reviewed the process for the public hearing then called forth speakers from the Public Hearing Speakers List.

Mr. Andy Lynch, Halifax, advised that he was in support of the proposed HRMbyDesign plan. He noted that he had attended the public meetings, most of the workshops and served as a volunteer on the Committee. As Co-founder of Lydon Lynch Architects, a company that has designed buildings in downtown Halifax, he commented that there would have been more development if there had been a different approval process. In regard to viewplanes, he explained that the view from the Citadel has been protected since 1975 including viewplane #6 to George's Island and that the Heritage Trust has incorrectly shown the viewplane as being compromised under the proposed legislation. He noted that heights would not be changed under the proposed legislation; building heights would be lower in heritage areas and along Barrington Street. He noted that there was no panoramic viewplane of the harbour so it could not be compromised.

In response to Councillor Adams, Mr. Andy Fillmore, Project Manager, Urban Design, confirmed that the viewplane from Citadel Hill would remain intact and building heights would be lower under the proposed legislation.

Mr. Jeff Lamb, Halifax, advised that he was an employee of Dalhousie University and was

in support of the proposed legislation and HRM's vision for the next twenty-five (25) years. He had submitted a request to staff to have the Sexton Campus area of Dalhousie University included under the HRMbyDesign plan. Universities and the School Board need to build buildings to support residents by integrating with the surrounding communities and suggested that the plan go a step further and begin the process for a detailed review of other neighbourhoods under the original HRMbyDesign area. The proposed plan would be more pedestrian friendly.

Ms. Linda Forbes, Dartmouth, noted that HRMbyDesign should reflect the topography of Halifax through the massing and placement of buildings and respect the scale of existing buildings by integrating development rather than imposing development to ensure Halifax does not lose its identity. Harbour views should be strengthened. The presumed need for more office/residential space should not necessarily mean taller buildings. She expressed concern with the potential for increased as of right development and more buildings falling into a holding pattern whereby they may be neglected by owners or sold. Heritage districts should be knit together not fragmented. Comments from those in the Tourism Industry have indicated that tourists are drawn to the unique heritage areas of Halifax.

Mr. Sifford Pearee, Halifax, submitted his comments in writing. He advised that he was in support of the Heritage Trust's plan. He expressed concern with exterior glass cladding for buildings as glass buildings were deadly for birds. The height of residential buildings should not be higher than the level firefighters could reach.

Mr. Mark Butler, Halifax, advised that he was an employee of the Ecology Action Centre (EAC) and that EAC had submitted energy efficiency and green design amendments to HRM staff. HRM has responded that it does not have the authority to legislate green design. EAC encourages HRM to gain the jurisdiction to be able to legislate Green Design that would be similar to initiatives by other large North American centres. He was in support of HRMbyDesign if it included the proposed amendments put forward by EAC.

Mr. Ted Larsen, PC Candidate for Citadel/Sable Island, commented that HRM needs balanced development as population on the peninsula has slowly declined. There are no Class A office buildings due to no real plan for the downtown. HRMbyDesign provides the plan, vision and solid framework for development that will help to attract youth to stay and work here. Issues such as viewplanes, sustainability and transportation are addressed in the proposed legislation. Voting for HRMbyDesign will not close the door as there would be opportunities for amendments. Halifax is the only hub city with a decaying downtown. Opportunity has been knocking and has been turned away to be accepted by Moncton and other areas. He advised that he was in favour of HRMbyDesign.

Mr. Tony Edwards, Bedford, advised that he was a member of the Bedford Planning, and Northwest Planning Advisory Committees. He was not in support of the proposed HRMbyDesign plan as it was a thinly veiled demolition permit for downtown Halifax. He requested that Council show responsible stewardship and send HRMbyDesign back to the drawing board to protect heritage and culture.

In response to Councillor Walker, Mr. Andy Fillmore advised that present height requirements and viewplanes would not be changed under the proposed HRMbyDesign.

Mr. Ken MacMillan, Lawrencetown, explained that he was representing Saint Mary's Basilica located at the corner of Spring Garden Road and Barrington Street. He advised that they were in support of HRMbyDesign, however; they requested, in writing, that the small parking lot on Grafton Street not be included in the Barrington Street Heritage District as it was under consideration by the Church for future development with potential for underground parking.

Mr. Allan Robertson, Halifax, advised that although the plan was improving, his concern was in regard to the threat to heritage properties and the negative economic impact on HRM and the province through loss of tourism revenue/jobs and tax revenue for HRM. HRM has truly authentic heritage resources that draw tourists from all over. He expressed concern that HRMbyDesign would increase height limits for the 92 heritage buildings in Heritage Districts. He noted that tourists do not want to see façades, they want to visit Citadel Hill, Historic Properties and the Brewery. He requested that the current heights on heritage properties be maintained so that developers could not change them. HRM's main competitive advantage in the tourism market is the historic aspect.

In response to Councillors Uteck, Watts and Adams, Mr. Andy Fillmore advised that most heritage properties were in districts where demolition was not permitted therefore concern in regard to demolishing a heritage building to increase density by adding building height would not be warranted. There are restricted areas in regard to height of buildings. Currently, the lowest height would be 40' as of right; in the Artillery Park area the lowest category would be 72'. He noted that he would have to confirm the boundaries as the HRMbyDesign boundary was different than the CBD boundary.

Mr. David Graham, Halifax, advised that he was in support of HRMbyDesign. He advised that he was sympathetic to heritage buildings and design and believes in Halifax's potential. Heritage structures can exist by constant growth of new development and the resulting economic spin off. To encourage youth to stay and work in the area, there must be a vibrant area in which to live. The proposed new Convention Centre will increase revenue and help with the debt so that the next generation will not be unfairly burdened with that debt. Development will help by not stifling the next generations ability to pay the debt. There has been urban sprawl and inner city decay in Halifax.

Mr. Jonathan Lampier, Dartmouth, advised that he was a member of Fusion Halifax and a graduate of the Dalhousie School of Planning. HRMbyDesign is not perfect but it is a good plan. He suggested that it was time for the studying to stop and that HRMbyDesign be passed to get things happening. Cities change and evolve and the HRMbyDesign plan is the first step in the evolution and will create opportunities for youth to stay and work here. There is amazing potential for a great city. He noted that he had graduated one year ago and was unemployed as he chose where he wanted to live before choosing where to work and he may have to leave to pursue his career.

Ms. Rebecca Jamieson, Halifax, commented that her first impressions of Halifax after some time away were; rain, potholes, litter and a rundown Barrington Street. She noted that it was time for a facelift, however; the HRMbyDesign plan has questionable means and nitty gritty details and she does not approve of the plan in its current form. She noted that the plan was based on the assumptions that there was a need for: office space; streamline approval process and high rises/density to add vibrancy to the downtown. She suggested

that those assumptions were not correct and that the implementation of the plan in its current form would be at a high cost to heritage. Under the proposed plan, there would be far too much power given to the Developers and the Design Review Committee with Regional Council and the public cut out of the public process. She expressed concern that Council would not be involved to deter backroom negotiations especially in regard to bonus zoning issues. She expressed concern with maximum heights of up to 200' and requested that Council show leadership until the plan was amended in regard to height limit reductions, the site approval process and to require scrutiny by the public and Council.

Council recessed at 11:08 a.m.

Council reconvened at 11:22 a.m.

Mr. Chris Beaumont, Halifax, commented that HRMbyDesign was 95% correct but that the detail had to be right before it was approved. He expressed concern with the HRM Development Office and a Design Review Committee having full responsibility to approve developments and the public having only a preliminary look with no further input until the Public Hearing at the end. He expressed concern that Regional Council would not have any input either as appeals would only be by Developer or affected property owners. He noted that Council had the moral obligation to be the public orators. The proposed method of approval was antidemocratic. The Design Review Committee was not representative of the public at large. Public opinion is important.

Mr. Aubrey Fricker, Halifax, noted that the Regional Plan objective was for a Regional Centre Urban Design Study that would be exemplary for other design plans. That original project has been derailed by HRMbyDesign. He expressed concern with height regression noting that he would like to see 30 storeys or more in some area and more consultation with citizens. He noted that the historic downtown was at a tipping point with a city core that dies at night. The current regulations have not held development back; the current system is better than in most cities. He noted that he had previously submitted his comments in writing to staff.

Ms. Janet Morris, Dartmouth, thanked the Committee for the principles of the plan but expressed concern that the implementation of the proposed plan would do unredeemable damage in realizing those principles. She expressed concern with the following: insufficient regard for heritage and history; 70' heights in conservation districts as most building in those areas were currently half that height; height of buildings outside the conservation area being more than 72'. The street widths dictate the height of buildings to maintain sun and avoid cold micro-climates at street level. She also noted that the plan had insufficient regard for the topography. The geographic essence of the City must be accessible and visible public property. She suggested that the plan strive for uniformity of height throughout the downtown, rather than in districts, so that a panoramic vision may be achieved.

Mr. Peter Browne, Halifax, advised that he was representing the Archdiocese of Halifax and that they were in support of HRMbyDesign. He requested a small amendment to HRMbyDesign to exclude the parking lot at Saint Mary's Basilica from the Heritage District; the request had been formally submitted to staff. He further noted that no plan would satisfy everyone but eventually a plan must be accepted that satisfies the majority.

Mr. Paul McKinnon, Halifax, noted that he was the Executive Director of the Downtown Halifax Business Commission and Co-Chair of HRM's Urban Design Committee. HRMbyDesign is a great plan; it supports heritage and has been approved by HRM's Heritage Advisory Committee. The plan establishes new guidelines and heritage districts. The issue of height had been discussed at the Committee level for over six months and good policies and incentives to protect heritage have been implemented in the plan. A Design Review Committee will be charged with requiring design excellence. Council's role would be to establish processes that reflect the people's wishes and to ensure those processes are followed. The plan is not a subversion of democracy, it is efficient use of democracy. The public hearing process will remain as will the appeal process. He noted that they could not go back to the building owners and ask them to wait longer. He requested support of the HRMbyDesign plan.

Ms. Level Chan, Halifax, noted that she was a lawyer and member of Fusion Halifax. She noted that the plan was not perfect but was a good start in regard to sustainable, heritage and transportation issues. The plan incorporates the views of the diverse community of Halifax and all ideas/comments have been incorporated. A Heritage district will finally be recognized. The plan is not a demolition permit as the format of the plan does not remove the democratic process; it places Council as the decision maker who will balance the needs of all with the assistance of experts.

Mr. Adam Conter, Halifax, noted that he was a member of the HRM Heritage Advisory Committee. The proposed plan is a twenty-five (25) year plan; a living document that would be modified as need be to ensure a sustainable city with green initiatives and sustainable transportation. There remains time for appeals and amendments. He noted that ecotourism would be a major industry with people looking for Farmer's Markets and green spaces. He encouraged protection of those heritage properties that could be protected as they bring people to the area who want to visit those sites. A plan was needed to move forward and the proposed HRMbyDesign plan is an excellent start.

Mr. Louis Reznick-Starfish, Toronto (moving to Halifax), Principle of Starfish Properties, noted that he had almost ten years of involvement with this process and has worked with Council and planning staff to renovate, restore and rebuild within HRM. He supports HRMbyDesign. With vision, this will help Halifax to grow and prosper.

Mr. Joe Metledge, Halifax, advised that he has been involved with HRMbyDesign from the beginning and has listened to the arguments from both sides. In regard to comments made in relation to tourism, he reminded everyone that Council was elected by the taxpayers of HRM not the tourists. People should listen to those who are here now and may have to leave and consider that versus making the city a museum for those who come from abroad. By densifying the downtown, money would be saved on infrastructure such as roads that could then be invested in education and other areas. He noted that the future of HRM/Halifax could be one of an active, sustainable, pedestrian city, or; a decaying city with youth moving away.

There being no further speakers in attendance at this time, it was **MOVED BY Councillor Younger, seconded by Councillor Rankin that Council recess until 2:30 p.m.**

Mayor Kelly advised that a Public Service Announcement would be issued to ensure the

public would be made aware of the public hearing timeline.

MOTION PUT AND PASSED.

Council recessed at 12:08 p.m.

Council reconvened at 2:31 p.m.

Mr. Frank Palermo, Halifax, advised that as a member of the Urban Design Task Force he would urge Council to approve HRMbyDesign and add a piece to it in terms of providing an ongoing and more active role for the community in the plan process. He stated that he also understood and shared many of the concerns that had already been addressed. He expressed concern for heritage protection, view planes and the lack of environmental considerations in the plan. Mr. Palermo also noted that more attention was required with regards to planning for public transit, more consistent housing, height bonusing and more interaction with other agencies and boards. He indicated that clarity was needed in terms of content and what kind of city HRM resident's wanted to build. He noted that a change was needed in terms of the quality of place that was being built as he believed HRM could do better than what currently existed. He advised Council to build quality buildings for a great future as the downtown was only currently half built and too much space was being used for surface parking. Mr. Palermo stated that the HRMbyDesign plan built upon the history of the city in a new way; the history of urban form and a respect for the quality of the city scape. He indicated that it was not important to keep all old buildings as public space was also a priority, however, it was worthwhile to maintain important older buildings. He noted that he liked most of the changes that were being suggested; stating that residents needed to think about what a high rise building meant and what a difference it made in terms of views. He advised that the creativity in the city for building slender towers had been underestimated. In closing, Mr. Palermo stated that this was still not enough to approve the plan as it was a mistake not to recognize that more work needed to be done and that a voice needed to be given to the community.

Ms. Kim West, Halifax, advised that she was the owner of a business in the downtown core and as such appreciated the opportunity to have this conversation. She noted that she had heard an appreciation for growth and development on our own terms from previous speakers. She noted that the downtown had seen development at a more rapid pace in the past year than it had over the past 30 years; noting that there was now a will for such development as well as guidelines which would be helpful for moving forward. Ms. West indicated that projects such as the new Farmers Market and the restoration and changes at the old power station would be iconic for the city. She advised that development was important in creating tax revenue and allowing HRM to further invest. She noted that the new capacity allowed for new bike paths and the Barrington Street Conservation District. In closing, Ms. West stated that there were many pieces left to be worked on, however, she did support the plan.

Ms. Ruth Goldbloom, Halifax, stated that the debate reminded her of 10 years ago when she was struggling to open Pier 21 and people had told her that it was unwanted; noting that today it was an icon. She indicated that HRMbyDesign would add another aspect to the city and advised that input had been enormous and that there were experts in view planes working on the plan. In closing, Ms. Goldbloom stated that as an elderly person she believed that it was time for this to happen in the downtown to reflect the forward thinking

of the community at large.

Mr. Gordon Simms, Halifax, stated that HRM was the economic engine of the Maritimes and that, like it or not, development was going to happen. He advised that it was of the utmost importance to his generation to ensure that growth was economically and environmentally sustainable and that it would add to the quality of life of all Nova Scotians. He noted that HRMbyDesign was clear and concise regarding properly controlled growth. As a 23 year old PhD student; Mr. Simms indicated that he would like to remain in Halifax, however, many students were forced to leave in search of more job options. He stated that with so many universities and community colleges; HRM's greatest resource was it's young talent base, however, the lack of development made these people want to leave the area. Mr. Simms advised that with a population of under one million people; Nova Scotia's tax base would decrease with every single retirement and those left behind would have to take care of an aging population and infrastructure. He stated that HRMbyDesign was good for Nova Scotia as it would bring more companies and jobs to the area, thereby, increasing prosperity. He advised that letting a building fall apart was not preserving our heritage; noting that Barrington Street was currently not sustainable. In closing, Mr. Simms requested that Council say yes to HRMbyDesign and give Halifax the means to preserve its heritage.

Mr. John Kitz, Halifax, indicated that his family had owned real estate in downtown Halifax for many years; noting that he currently ran his grandfather's company on Barrington Street. He stated that property owners wanted a plan that reflected existing conditions and reality. He stated that the current plan dated back to the 1970's and while it was not bad for the times; developments such as Scotia Square and Fenwick Place were not great. Mr. Kitz noted that peninsular dominance was long gone as the municipality had grown past exit 5 over the past 15 years and the old plan had not envisioned that. He advised that the old, out of date plan merely blocked development rather than encouraging public good and did not include a heritage preservation plan. He indicated that this was a stop growth moment in HRM's history and a good plan would reduce the risk for property owners as the downtown core was currently red taped.

Mr. Michael Bradfield, Halifax, indicated that he had sent two short notes via email. He wished to ask staff what reports they were basing their initial assumptions on as he had seen two or more reports regarding capacity for the downtown area to supply office buildings. He indicated that one report had been put out eight months ago by the Greater Halifax Partnership (GHP) which stated that Halifax required more high rise buildings than HRMbyDesign would permit and that future demand would continue to grow at 3%. Mr. Bradfield stated that the second report was the Turner Drake report which had been submitted to staff on November 4, 2008, however, had not been given to Council until March 24, 2009. He believed this was a significant delay particularly since the report undercut the assumptions of the GHP and the assumptions laid out in HRMbyDesign. He stated that the claim had been made that Halifax had a pent up demand for office space due to development being delayed as a result of the appeals process. Yet he noted that the Turner Drake report claimed that there was overbuilding in the 1970s and 1980s, therefore, profits had dropped. Mr. Bradfield noted that it was not an economical time for people and that argument must be recognized. As for the riskiness of the appeals process; he advised that of course it was risky if a developer went to Council wanting to go against the Municipal Planning Strategy. He stated that the GHP report contained suspect data and

terrible methodology in order to get a huge increase in demand while the Turner Drake report advised of a smaller demand.

Ms. Marsha Parker, Halifax, spoke on behalf of the Peninsula South Community Association. She stated that she would like to address the mechanics of how the plan would be implemented; noting that public participation would be curtailed. She indicated that November 28, 2007, was the last time that the public was allowed to speak to HRMbyDesign. She stated that there was no discussion at the time and only certain citizen groups had been allowed to speak; noting that most of the plan had come from staff. Ms. Parker believed that staff did not like what the Turner Drake report had concluded regarding office space which was why they had held on to the report. She noted that the Hazeltine report on appeals did not fit in with staff's argument that the appeals process was a problem. She expressed concern that citizen input had been circumvented and that all decisions would be made by a Council appointed Design Review Committee which would be made up of professionals and only one member at large. She felt that this would lead to secret negotiations as there was no doubt that these professionals all knew each other and local developers, therefore, it would be as if the developers themselves were sitting on the Committee. Ms. Parker indicated that a member of the Peninsula South Community Association had reviewed such committees across Canada and found that none had the power that this one would. In closing, she stated that Council had something important to look at if they wanted to pass this precedent setting plan as the Design Review Committee did not represent the public at large.

Mr. Fillmore clarified that staff had held two major public forums after November 28, 2007; one at the World Trade and Convention Centre in March of 2008 and one at Pier 21 in the fall of 2008. He stated that at both these sessions comment cards were available as well as the opportunity for the public to speak one on one with staff. Mr. Fillmore noted that two drafts had been released for public comment at the beginning and end of 2008. He also advised that the planning review process was fully open to the public.

Ms. Janet Shotwell, Halifax, noted that the plan was not perfect, however, nothing was. She stated that it was necessary to look at the imperfections to see if HRM could live with them. She indicated that she had heard that priorities, a lack of democratic process and sustainable building practices mentioned as flaws as well as increased building heights surrounding Citadel Hill. Ms. Shotwell stated that these were not minor issues in a plan that was otherwise excellent. She indicated that this was only the third draft of HRMbyDesign; noting that it required more amendments and further detail. Ms. Shotwell requested that the plan be made more complete by maintaining heritage and sustainable building heights for Citadel Hill view planes. She advised that HRMbyDesign would change the building heights in the south end where her book café was located; noting that the tallest building there now was the terminal building, however, an office building twice that size could be built there as part of the plan. Ms. Shotwell stated that this was a neighbourhood where people felt relaxed because there were no tall buildings and that the plan ignored the openness of sky and trees. She advised that the area was already rapidly progressing in the right direction and asked that Council not decrease the sacred connection between earth, sky and water.

Mr. Doug Moss, Halifax, indicated that he was in support of the plan as it allowed for flexibility and change. He stated that he had been in real estate and development since the

1970's as the first Controller and Treasurer of the Waterfront Development Corporation. He noted that as he travelled and witnessed the growth of other cities he was saddened to see Halifax not living up to its potential. He stated that he was at the end of his career, however, the youth of Halifax needed this opportunity or they would be forced to move away. He noted that the city needed to be sustainable in order to retain the youth and give them a vibrant place to live. Mr. Moss indicated that incentives that would get young people to stay would be to increase density and reduce the carbon footprint caused by urban sprawl; noting that new developments would ensure that LEED criteria was followed. In closing, Mr. Moss noted that the plan went a long way to support and foster these realities.

Mr. Scott Ferguson, Sackville, stated that he was in support of HRMbyDesign; noting that it was he and his four children's favourite pastime to take the ferry to Halifax on weekends to wander around the downtown core. He indicated that, when major events were taking place, the downtown came alive and looked great, however, it was surprisingly like a ghost town for the remainder of the time. Mr. Ferguson advised that HRM needed people living and working in the downtown as it was at a tipping point for interesting and exciting times. He noted that he had spent some time paying attention to the debate and was amazed at the input that had been made.

Mr. Bernie Davis, Halifax, stated that HRMbyDesign contained no plan for transportation, energy, sustainability, traffic or heritage. He stated that new development would ensure plans were meaningless or would require major effort to retrofit; noting that HRM would be moving from development agreements to site plan approval. He indicated that the need for new height limits for future office space was simply not there and that the Turner Drake report exposed this myth. Mr. Davis noted that how much space was needed was not how much someone wanted it to be needed as HRM could not get tenants by wishing. He referenced Joey Smallwood's belief that concentrating people in towns would make companies come; noting that it did not work for him in Newfoundland and it would not work for HRM. Mr. Davis stated that the effect of these changes would be to move most decisions from Council to unelected officers and that staff was taking Council's power away. In closing, he quoted King Lear stating that once you give up your power; you are powerless.

Mr. Arthur Carter, Dartmouth, stated that he was in opposition to HRMbyDesign as there was nothing illogical or unusual in existing approaches. He advised that the HRMbyDesign plan proposed to revamp the urban design planning process with a new misguided spin on the location of high rise development. He noted that the plan was undemocratic and ,if accepted, Council would relinquish their decision making powers. Mr. Carter stated that all Councillors were elected to make these decisions and whether residents liked these decisions or not they were a component of our democracy. He expressed concern that many members of the Design Review Committee would have vested interests in development; noting that staff was blatantly disregarding conflict of interest. Regarding view planes, Mr. Carter advised that Citadel Hill was one of Canada's most important attractions and that providing a clear view of George's Island was critical. He expressed concern that structurally sound and culturally significant places would be demolished with the remains being sent to landfills at the public's expense. He stated that if the plan passed it would be encouraging the unacceptable and unappealing practice of facadism which was what staff would call heritage preservation. In closing, Mr. Carter advised that the plan's effort was a heritage demolition bonanza and that these buildings provided the downtown

with its unique qualities that HRM could not afford to lose.

It was noted that the Heritage Advisory Committee endorsed the HRMbyDesign plan.

Council recessed at 3:37 p.m.

Council reconvened at 3:50 p.m.

Mr. Labi Kowsoulis, Halifax, stated that as a business owner he was in favour of HRMbyDesign with the exception of density and height as he believed the plan needed more than was proposed. He indicated that Halifax's density population was approximately 65 people per square kilometre and on the peninsula 800 people per square kilometre; noting that if this number doubled HRM would be saving on infrastructure, reducing its carbon footprint and more people would be walking and supporting local business. Mr. Kowsoulis advised that this would create tax savings and help the environment; stating that property taxes in Vancouver accounted for approximately 29% of their revenue as opposed to 63% in Halifax. He noted that the population had dropped on the peninsula which was stressing arteries into the city; providing examples such as the widening of Chebucto Road and Hammonds Plains Road as results of HRM's attempt to accommodate more traffic coming into the downtown core. He stated that 47% of HRM's Capital Budget went to streets and roads, Metro Transit, traffic improvements and storm water and waste water services each year; noting that it would be nice to free up some of that money for park and recreation areas and bike paths. Regarding Citadel Hill, Mr. Kowsoulis indicated that it was his understanding that the view planes would not be touched. He noted that he was on the fence regarding this matter as he wanted to keep the views of the city, however, did not want to pay more taxes. He stated that Parks Canada had informed him that Citadel Hill generated \$1,500,000 in annual revenue. In closing, he stated that he was in support of HRMbyDesign and that Halifax was a city and, in essence, should be run as a business with the big picture in mind. Mr. Kowsoulis submitted a copy of his presentation for the record.

Ms. Jill Robinson, Halifax, advised that she was against the plan as it currently stands. She wondered why the plan couldn't be perfect and why it was for 25 years; noting that there was no potential for a review. She stated that the same arguments had been made regarding the construction of the Cogswell Interchange which now everyone believed was a wasteful expenditure. Ms. Robinson stated that new building heights would mean that the business district would wallow or spread and there would be no way to see Georgian Halifax in context. She advised that sites such as the Alexander McLean Building on Hollis Street that were only designated as a municipal rather than a provincial heritage building could be torn down and redeveloped within one year under HRMbyDesign. Regarding comments that HRM was the hub of the Maritimes; Ms. Robinson noted that the days of sail were over and that the municipality may have to wait a little longer for its next economic boom. In closing, she indicated that HRM must wait until it needed major building and that she was against HRMbyDesign.

Regarding the comment that HRMbyDesign was for 25 years; Mr. Fillmore advised that the plan contained annual 5 and 10 year reviews as well as public consultation. He stated that the one year review was for housekeeping and the five year review was a functional review which would be based on performance criteria and would be administered through the Design Review Committee in the consultation process. He also noted that the Alexander

McLean Building was located in the proposed Barrington Street Heritage Conservation District and, therefore, demolition would be prohibited.

Mr. Noel Fowler, Halifax, stated that he was an architect for Nova Centre and had followed the HRMbyDesign process for the last three years; noting that he had been impressed with the process and public participation. He believed that the plan was all about enabling Halifax to realize its promise as it provided structure, process and the tools necessary to ensure the city would not fall short. Mr. Fowler provided comments of clarification; stating that, regarding view planes, no part of a structure would be visible above the Citadel ramparts. He noted that a stand alone convention centre in the heart of the downtown did not make a good neighbour as it would take up two blocks and would only be busy sometimes. He indicated that the best centres were a mixed use complex as they did not depend on any single activity. In closing, Mr. Fowler advised that he was speaking in favour of HRMbyDesign.

Council recessed at 4:11 p.m.

Council reconvened at 6:00 p.m. with the same members present.

Mr. Larry Hughes, advised that he lived in Clayton Park and was a professor at Dalhousie University. In his comments, Mr. Hughes made reference to issues of energy and sustainability and he asked that Council refer the HRMbyDesign Plan back to staff to address issues of energy and energy security in the Plan.

In response to a question by Councillor Watts, Mr. Hughes advised that he has done work on energy security and indicated that he had a model or a proposal that he could share with staff.

Mr. Mike Hanusiak, Halifax advised that he was the President of the Urban Development Institute. He added that their mandate is to look at government regulation and the impact on the development industry. Mr. Hanusiak noted that in regard to the HRMbyDesign, the institute asked three things of the process and feel they have been addressed in the documents. He advised that the document is clear and predictable in terms of outcome; it demands excellence in design, and that the respect for heritage is there.

Mr. Blair Beed, Halifax, read and submitted his remarks. In his presentation, Mr. Beed requested that Council not pass HRMbyDesign because he believed it had serious flaws that were not in the best long term interest of the City. He pointed out that one such flaw is that, in the Plan developers have all kinds of appeals until they get what they want but the public is blocked from appeal except through an expensive court process. Mr. Beed also suggested that background information needs to be checked out regarding the basis of the Plan, noting that new plans and policy can change the outcome to the public benefit and, therefore, this process should not be rushed, and that it needs to be done right.

Ms. Marilyn Bell, Halifax, read and submitted her remarks. Ms. Bell indicated that she had the following two concerns with regard to the HRMbyDesign Plan: the requirements for affordable housing access and the requirements for green space and health benefits. She recommended that all development proposals should require 5% of new apartment buildings living space be made available for low-income housing. Ms. Bell also recommended that the Plan should make public parks a requirement, citing that there are

direct links between access to public open green space and physical and mental health.

Mr. Graham Read, Armdale, noted his concerns were that the Plan only pays lip service to heritage, there is a myth that there are endless appeals of projects, when it is only the high profile projects that are appealed, and that the public participation in the process, although it was encouraged, others reported to him that they felt it was manipulated. In addition, he noted that the District 12 Planning Advisory Committee was left out of the process, and the Turner Drake report was not provided. Mr. Read pointed out that Halifax was not suffering from under-development as there was a lot of empty office space available.

Ms. Kim Thompson, Halifax, advised that she applauds the concept of HRMbyDesign, but feels it is not done. Ms. Thompson expressed concern about the loss of heritage with the Plan, and that the sustainability plans are solely volunteer, and she suggested that the Design Review Committee should not be sole adjudicator for design decisions and she stressed the importance of the ensuring transparency and responsibility are parts of the Plan. Ms. Thompson recommended that there should be a fourth phase of the HRMbyDesign Plan that focuses on sustainability and the economy as central to its research and recommendations.

Councillor Uteck requested staff provide clarification on Ms. Thompson's comment that the Design Review Committee would be the sole adjudicator for design decisions.

Mr. Fillmore responded that the design elements will be evaluated by the Design Review Committee but the final decision is a joint one between the Development Officer and the Design Review Committee. If there is an appeal, the appeal will be heard by Regional Council.

Ms. Marion Chisholm, Halifax, did not directly speak to the HRMbyDesign Downtown Plan; she questioned if there was a clear differentiation by signage or other means to tell the public what are public or private areas for gatherings, adding that there is confusion as to what can be permitted or not.

Ms. Cathy Merriman, Halifax, spoke in support of the HRMbyDesign Plan. She noted that she owned a small business on Barrington Street, and that often in situations like this, 'business' is stereotyped as big and greedy. She advised that she became involved in the HRMbyDesign process and it seemed like an inclusive process and better versions of the Plan were developed with each meeting. Ms. Merriman advised that she feels the Plan brings the right vision and principles and, as a downtown merchant, she feels that her customer base needs to expand to other groups like young professionals. She added that there needs to be more than heritage to the downtown, and that HRMbyDesign is about more than big developments.

Mr. Peter Lavelle, Halifax, read and submitted his remarks. He advised that he participated in HRMbyDesign since the beginning. He added that he was initially enthusiastic but in the long run he became disappointed as it became clear that the process was an exercise in manufacturing consent. Mr. Lavelle suggested that the Plan was not in the best interest of HRM. He indicated that he did not agree with the numbers that have been stated regarding participation in the public aspect, adding that the

document was created with a questionable amount of people. Mr. Lavelle requested that Regional Council reject the Plan, and listen to the concerns expressed by previous speakers, and allow a broader discussion on the Plan.

Mr. Joe Ramia, Halifax, addressed Council and noted that he was a developer and that he supported the HRMbyDesign Plan. Mr. Ramia advised that the Plan will enhance development in the City and create a vibrant downtown. He added that the Plan will give Regional Council the flexibility to make changes as they need to occur. Mr. Ramia advised that the downtown needs both heritage and new development, but not one at the cost of the other. Mr. Ramia indicated that, as a businessman, he met with representatives of a large North American Corporation last year, and they expressed the view that they would like to locate in Halifax, and this was due to the amount of graduates from the universities here, the cost of operating here, the time zone, and proximity to New York and London. However, the concern that was expressed was the lack of space in Halifax.

Ms. Linda Christenson Ruffman advised that she was a sociology professor at Saint Mary's University. Ms. Ruffman spoke against the adoption of the Plan, expressing concern about the absence of environmental features, and the process being open and transparent. She also suggested that it would enable buildings to be constructed too high and it will place heritage buildings out of existence.

Mr. Alan Ruffman, Halifax, spoke against the proposed Plan. Mr. Ruffman expressed concern about the lack of public input if the Plan is adopted and that decisions will be made only by a panel of experts. Mr. Ruffman also expressed concern over the projections for growth and noted that the Turner Drake report was kept secret until November, and that it was actually released in October. Mr. Ruffman pointed out that the Barrington Street Report has been a long time in being addressed, as well. In this regard he recommended an amendment to the Plan as follows: that the area of the city to which the plan refers to Map 1, insert the amendment "excepting the areas of the Barrington South precinct and the Historic Properties precinct as illustrated on Map 7 which shall be excluded until such time that a Barrington South and a Historic Properties Heritage Conservation District and Revitalization Plan has been prepared and approved by Council." Mr. Ruffman submitted his amendment for the official file.

Council recessed at 7:06 p.m.

Council reconvened at 7:16 p.m.

Ms. Joy Woolfrey, Halifax, read and submitted her presentation. In her remarks she expressed concern that the HRMbyDesign Plan has not made it clear that the challenge of reducing carbon emissions is the central urban design challenge for the 21st century. As well, she advised that it has not provided a description of the basic ecological constraints and opportunities related to climate, geology, and topography that along with energy and building technology have determined building design and urban form.

Mr. Danny Chedrawe, Halifax, advised that he was pleased when heard about the process for HRMbyDesign, but he wished the Task Force had representation from more developers. Mr. Chedrawe added that he felt there had been too much time spent on the height of buildings, and not enough time on the real factors that will make the downtown vibrant in the future. He also added that although the Plan addresses affordability it does

not go far enough and it needs to address other forms of housing. Mr. Chedrawe advised of the following aspects in the Plan he felt that needed further consideration: accessibility, public transportation and public walkways, and the preservation of the character of the City. He noted that the Plan was not perfect but he supported it, and asked that Council approve it.

Ms. Jill Shlossberg, Halifax, advised that she attended three of the workshops and various open houses and information sessions held in regard to the HRMbyDesign Plan. She added that the Plan should preserve heritage buildings, the view from Citadel Hill, and other views of the harbour. She expressed concern about the proposed minimum height of 70 ft. and the lack of consideration of the tourism industry and the impact on the City and the Province, noting that tourism was a very important industry to this area. Ms. Shlossberg added that a vibrant city needs the engagement of its citizens and that they want to be involved in decisions of the downtown and planning.

Mr. Ian Taylor, Halifax, addressed Council and provided background information on his own experience involved in similar projects. He noted that he spent a lot of time in various cities and understands what makes a good city, and the measures that are required to make a good city. In this regard, he advised that the primary attribute is one that retains connection to its roots. As well, a city needs to retain a sufficient rental base to incubate new business, i.e. a base that doesn't price them out of the market. Mr. Taylor also suggested that a good city needs to listen to its citizens and not special interest groups, and knows how to draw the balance between this and the public good. Mr. Taylor advised that he believes the HRMbyDesign Plan needs more work and that it should be tabled until the issues of availability of land for development, and the protection of the City's historical buildings are addressed.

Mr. Michael Goodyear, Halifax, read and submitted his remarks. He advised that he and his wife have been involved in the HRMbyDesign process. Mr. Goodyear explained that his concerns with the Plan were that there has not been an adequate environmental impact assessment done, or a public health assessment. As well, he was concerned with the erosion of the City's cultural history in regard to Historic Properties and with the Cogswell Interchange. Additional concerns he noted were: abandoning controls used in the last 30 years rather than incorporating and strengthening them, the proposed height limits on heritage buildings; views, and viewplanes, density disproportionate height, disproportionate over-development in the historical district and lack of new public spaces; the erosion of the democratic process.

Mayor Kelly reviewed the speakers list for those who had not yet addressed Council; he called three times for those speakers to come forward.

There being no further speakers, it was **MOVED by Councillor Johns, seconded by Councillor Blumenthal that the public hearing close. MOTION PUT AND PASSED.**

15. ADJOURNMENT

The meeting adjourned at 7:57 p.m.

Julia Horncastle
Acting Municipal Clerk

INFORMATION ITEMS
May 5, 2009

1. Proclamation - Sexual Assault Awareness Month - May 2009
2. Memorandum from Acting Director, Infrastructure & Asset Management dated April 17, 2009 re: Sidewalk at CNR Bridge - Bayers Road
3. Memorandum from Acting Director, Infrastructure & Asset Management dated April 21, 2009 re: Capital Cost Contributions - Bedford West
4. Memorandum from the Acting Municipal Clerk dated May 1, 2009 re: Requests for Presentation to Council - None