

HALIFAX REGIONAL COUNCIL
MINUTES

March 30, 2010

PRESENT:

Mayor Peter Kelly
Deputy Mayor Brad Johns
Councillors: Steve Streach
Barry Dalrymple
David Hendsbee
Lorelei Nicoll
Gloria McCluskey
Darren Fisher
Bill Karsten
Jackie Barkhouse
Mary Wile
Dawn Sloane
Sue Uteck
Jennifer Watts
Russell Walker
Debbie Hum
Linda Mosher
Stephen Adams
Robert Harvey
Tim Outhit
Peter Lund
Reg Rankin

REGRETS:

Councillors: Jim Smith
Jerry Blumenthal

STAFF:

Mr. Wayne Anstey, Acting Chief Administrative Officer
Mr. Martin Ward, Municipal Solicitor
Ms. Sherryll Murphy, Acting Municipal Clerk
Ms. Melody Campbell, Legislative Assistant

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1. INVOCATION

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

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Sloane advised that the Ward 5 Easter Dinner will be held at noon on Thursday, April 1st at the Bloomfield Centre.

Councillor McCluskey wished Councillor Karsten a “60th Happy Birthday”.

Councillor Watts expressed appreciation, on behalf of Councillor Blumenthal, to Donna MacIntyre and her group for the clean up of Seaview park over the past weekend.

Councillor Watts noted that a public information meeting regarding a rezoning at Willow Street and North Street will be held on April 7th at 7:00 p.m. at the Bloomfield Centre. She advised that a meeting regarding Actions Against Homelessness will be held on Wednesday, March 31st at 7:00 p.m. at the Bloomfield Centre.

Councillor Harvey expressed a “Happy Birthday” to Mr. Frank Milne on his 75th birthday on Wednesday, March 31st. He reminded Council that Thursday, April 1st is the fourteenth anniversary of the Halifax Regional Municipality.

Councillor Hendsbee advised that the East Preston Daycare will be having their Early Bird Breakfast on April 1st. He advised that Marine Drive, Valley and Canal Community Council will be having a meeting at the Lake Echo Community Centre on Thursday, April 1st at 7:00 p.m.

Councillor Uteck expressed her congratulations to the St. Mary’s Huskies Hockey Team on winning the CIS Men’s Hockey Championship.

Councillor Barkhouse advised that a public information meeting will be held at the Eastern Passage Legion at 7:00 p.m. on March 31st regarding the rezoning of Hines Road from industrial to residential.

Councillor Mosher stated that the Theatre Arts Guild are presenting the play *Alone* with tickets available at Ticket Atlantic. She added that there is currently a seat sale at the Pond Playhouse with further information available at their website www.tagtheature.com

Councillor Rankin stated that a Halifax Regional School Board meeting is scheduled for March 31st at 7:00 p.m. to discuss the potential closure of Terrance Bay School.

Councillor McCluskey expressed her congratulations to Chief Beazley on his forty years of police service.

3. APPROVAL OF MINUTES - None

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

Additions:

- 13.1 Central Library - Funding Strategy
- 13.2 Proposed Conceptual Plan - Halifax North Common
- 13.3 Feeding of Waterfowl on private property

Deputy Mayor Johns requested that Information Item #1, Zebra Crosswalk Markings, be added to the April 6, 2010 Regional Council Agenda.

MOVED by Councillor Sloane, seconded by Councillor Wile, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED.

5. BUSINESS ARISING OUT OF THE MINUTES

6. MOTIONS OF RECONSIDERATION - NONE

7. MOTIONS OF RESCISSION - NONE

8. CONSIDERATION OF DEFERRED BUSINESS - None

9. PUBLIC HEARINGS - 7:00 P.M.

9.1 Joint Public Hearing with Peninsula Community Council - Case 01248: Amendments to the Halifax Municipal Planning Strategy/ Development Agreement, Cedar Street In-fill, Halifax

Due to the public hearing being advertised to begin at 7:00 p.m., Item 9.1 was addressed following Item 11.3.2. See Page 10.

9.2 Case 01227 - Development Agreement - City Centre Atlantic

Due to the public hearing being advertised to begin at 7:00 p.m., Item 9.2 was addressed following Item 9.1. See Page 12.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence - None

10.2 Petitions - None

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Request for Proposal 09-195 - Architectural Consulting Services, Halifax Central Library

C A staff report dated March 22, 2010 was before Council.

MOVED by Councillor Sloane, seconded by Councillor Walker, that subject to Regional Council's approval of the Central Library Funding Strategy, it is recommended that Halifax Regional Council award RFP #09-195, Architectural Consulting Services, Halifax Central Library to the highest scoring proponent, Fowler Bauld & Mitchell Ltd. for an amount of \$4,292,782.30 (including net HST) plus allowable expenses from Capital Account number CBW00978, Central Library Replacement, as outlined in the Budget Implications of the report dated March 22, 2010.

In response to a question by Councillor McCluskey, Mr. Terry Gallagher, Manager, Facility Development, advised that the scoring reflected the quality of the response to the RFP from the proponent indicating that the library will be a world class facility. He added that Fowler Bauld plan to utilize community engagement and stakeholder interviews. Mr. Gallagher advised that this would be a LEED Gold facility.

In response to Councillor Karsten, staff advised that the procurement policy has been followed throughout the process. Mr. Gallagher advised that this project is based on HRMbyDesign, Planning Studies and a comprehensive plan in the urban design concept. Mr. Gallagher further advised that the evaluation team consisted of Ms. Judith Hare, Ms. Susan McLean, Mr. Andy Fillmore and Mr. Terry Gallagher.

In response to a question by Councillor Uteck, staff advised that the proponent had proposed twelve hundred hours of community engagement. He added that staff will monitor the consultants to ensure community engagement is taking place.

In response to a query by Councillor Sloane regarding a letter sent to Councillors from another proponent, Mr. Martin Ward, Municipal Solicitor, advised that the RFP sets out the rules, and added that anything received after the fact should not be taken into account. He added that Council has the option to disqualify any proponent that does not follow the rules as set out in the RFP.

MOTION PUT AND PASSED.

11.1.2 Case 15791 - Regional Subdivision By-Law Amendment

C A staff report dated March 1, 2010 was before Council.

MOVED by Councillor Dalrymple, seconded by Councillor Sloane, that Regional Council give First Reading to the proposed amendment to the Regional Subdivision By-Law as shown in Attachment "A" of the staff report dated March 1, 2010 and schedule a public hearing. MOTION PUT AND PASSED.

**11.1.3 First Reading Proposed By-Law S-429, An Amendment to By-Law S-400, Respecting Charges for Street Improvements
Motion - Deputy Mayor Johns - Move First Reading**

C A staff report dated February 10, 2010 was before Council.

MOVED by Deputy Mayor Johns, seconded by Councillor Sloane, that Regional Council give First Reading of By-Law S-429, An Amendment to By-Law S-400, Respecting Charges for Street Improvement and the 2009 Local Improvement Charges as outlined in Attachment "A" of the February 10, 2010 staff report.

Councillor Uteck stated that there has been a significant increase in paving costs in 2008-2009 and noted that these additional costs would be funded through the local improvement charge. She questioned if there were any cost savings, would they be reimbursed to the homeowner. Mr. David Hubley, Manager of Design and Construction, advised that the noted charges are for work done last year. He added that staff are currently reviewing practices with other municipalities and will meet with the construction industry in the future. Mr. Hubley advised that notice is not sent to residents to advise of an increase in the local improvement charge.

In response to a question to Deputy Mayor Johns, Mr. Hubley advised that the letter sent to residents regarding local improvement charges set the local improvement charge at \$35.00 a foot, it is now approximately three dollars over that amount.

MOTION PUT AND PASSED.

**11.1.4 First Reading Proposed By-Law T-226, An Amendment to By-Law T-200, Respecting Tax Exemptions for Non-Profit Organizations
Motion - Councillor Walker - Move First Reading**

C A staff report dated February 11, 2010 was before Council.

MOVED by Councillor Walker, seconded by Councillor Wile, that Regional Council give First Reading of By-Law T-226, Respecting Tax Exemption for Non-Profit Organizations as outlined in Attachments 1 and 2 of the staff report dated February 11, 2010 and schedule a public hearing. MOTION PUT AND PASSED.

11.2 ENERGY & UNDERGROUND SERVICES ADVISORY COMMITTEE

11.2.1 LED Traffic Signal System Replacement Project

C An Energy and Underground Services Advisory Committee report dated March 19, 2010 was before Council.

C A staff report dated February 15, 2010 was before Council.

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

- 1. Approve a capital expenditure of \$830,000 (net HST included) from Capital Account No. CTU00886 - LED Traffic Signal Conversion Project with a net cost to HRM of \$605,943 as per the Budget Implications section of the February 15, 2010 staff report in order to fund the completion of the ongoing LED traffic signal replacement project;**
- 2. Approve a budget increase of \$224,057 to Capital Account No. CTU00886 - Traffic Signal Conversion Project funded through external cost sharing from NSPI;**
- 3. Approve a transfer of funding in the amount of \$211,589 from Capital Account No. CTU01085 - Traffic Signal Installation to Capital Account No. CTU00886 - LED Traffic Signal Conversion Project; and**
- 4. Pre-approve the 2010/11 capital budget for Capital Account No. CTU00886 - LED Traffic Signal Conversion Project in the amount of \$300,000; as outlined in the Budget Implications section of the February 15, 2010 staff report.**

In response to a question by Councillor Karsten, Mr. Angus Doyle, Manager, Utilities Coordination, advised that NSPI is contributing \$224,057.00 to the project.

In response to a question by Councillor Hendsbee, Mr. Taso Koutroulakis, Acting Manager, Traffic & Right of Way, advised that snow globes will be installed on primary signal heads for this project.

MOTION PUT AND PASSED.

11.3 SOLID WASTE RESOURCE ADVISORY COMMITTEE

11.3.1 Colour Coded Bags for Curbside Collection

- C A staff report dated March 22, 2010 was before Council.
- C An information report dated January 18, 2010 was before Council.

MOVED by Councillor Lund, seconded by Councillor Sloane, that Regional Council not endorse revisions to the Colour Coded Bags for Curbside Collection as per the Information Report dated January 18, 2010.

Councillor Lund stated that clear bags are larger and noted that a survey of a number of haulers revealed that if blue bags were used, costs could increase. He noted that blue bags could contaminate the waste stream.

Councillor Walker suggested that the homeowner be given the choice to use a blue bag.

Councillor Watts expressed concern that many residents do not understand the solid waste system. She noted that many residents consider the collection system over regulated.

Councillor Mosher advised that the reasons for her request for a report was that the solid waste system is complex with too many regulations making it difficult for residents.

MOTION PUT AND PASSED.

11.3.2 Expanded Green Cart Service Cost Options

- C A staff report dated March 22, 2010 was before Council.
- C An information report dated January 12, 2010 was before Council.

MOVED by Councillor Lund, seconded by Councillor Karsten, that Regional Council not endorse the expanded Green Cart Collection for all of HRM, as per the Information Report dated January 12, 2010 nor on existing service add extended service to include the last two weeks of June and first two weeks of September for the summer of 2010.

Councillor Lund stated that given HRM's fiscal restraints, the Solid Waste Advisory Committee does not recommend increasing the operational budget for expanded green cart service.

Councillor Mosher expressed concern that increases in garbage can lead to increased costs for additional cells. She advised that due to fiscal concerns, she supports delaying the increase of green cart pickup for this year.

Councillor Walker suggested that those residents wanting weekly green cart pickup pay for the service through an area rate. It was noted that this matter will be discussed further during the budget debate.

MOTION PUT AND PASSED.

Council recessed at 7:07 p.m.

Council reconvened at 7:25 p.m.

9. PUBLIC HEARINGS - 7:00 P.M.

**9.1 Joint Public Hearing with Peninsula Community Council -
Case 01248: Amendments to the Halifax Municipal Planning Strategy/
Development Agreement, Cedar Street In-fill, Halifax**

- C An extract of the March 2, 2010 Regional Council minutes was before Council.
- C A Peninsula Community Council report dated February 15, 2010 was before Council.
- C A staff report dated January 20, 2010 was before Council.

Correspondence was submitted from: Ms. Cheryl Harawitz, Ms. Mary Burke, Mr. Steven Fudge & Ms. Susan Wort, Ms. Elaine McCourt, Bernard & Mary Burke.

Mr. Richard Harvey, Senior Planner, provided the staff presentation on Case 01248 MPS Amendments - Development Agreement Cedar Street and responded to questions from members of Council.

The following points of clarification were provided to Council:

- C the legal agreement noted is between the developer and the property owner; it is not part of the development agreement
- C the development agreement will be sent to a future Peninsula Community Council
- C the parking area is currently a dirt lot on a vacant site
- C residents have been using the property for years for parking although they do not own the property

Mayor Kelly reviewed the rules of procedure for public hearings, and opened the hearing for those wishing to speak to the matter.

Mr. Cesar Salah, W.M. Fares, advised Council that the Developer has considered the development with good intentions and has worked to compromise on issues. The development will be comprised of four townhouses that will be regulated by the Condominium Act. He added it will have ample open space as the buildings covers only 14% of the site. He noted that the Developer has worked to resolve the long-term parking issues on the site.

Mr. Alias Metlej, a real estate lawyer representing the property owner, advised Council that he has been working on the issues related to parking on the site. He advised that the property owner has been working with litigants who have made a claim for parking on the property. He advised that the property owner has made a written commitment to provide free parking to those who have filed claims. He added the lawsuit has recently been discontinued.

Ms. Cheryl Harawitz, Halifax, expressed her appreciation to Mr. Metleg on the continuing consultation with neighbouring residents. She stated that she hoped that the parking agreement is in place before proceeding with the By-law amendments.

Mr. Ronald Mitton, Halifax, advised Council that there was a long history with the parking issue on this property. He added that the property owner's proposal offers a reasonable solution to the parking issue, although his absolute preference for the site would be a green space and parking. He stated that the townhouse design is compatible with the existing neighbourhood adding that there are still issues such as lighting and landscaping to be addressed.

Ms. Ann Louise King, Halifax, advised that this property has been a contentious issue and a struggle over the years when working with other developers. She advised Council that Mr. Metleg has engaged the neighbouring residents and she added that is a positive solution for the neighbourhood. She stated that she remains optimistic that the plan will work.

Mr. Mark Salah, Halifax, stated that this is a good proposal with good design that will attract families and long standing residents to the community.

Ms. Mary Burke, Halifax, urged Council to refuse to amend the MPS and LUB as the proposal is extremely adverse to her. She expressed concern that the construction of the property will impede access and right of way will be obstructed. She raised concern that oil trucks and emergency vehicles will have a difficult time reaching her home. She stated that access was guaranteed in her deed and she noted that she will lose her parking spot at the back of her property. She advised that the Developer stated that a seventy-five feet buffer will exist between the existing building and the townhouse, however, seventy-two feet of that buffer is her back yard. She stated that the development will negatively impact on the amount of sunlight she receives, create a loss of view, and she added that construction will be noisy, dirty and disruptive. She stated that the development will be detrimental to her if she tries to sell her property and will affect the enjoyment of her property.

Mr. Metleg advised Council that the existing right of way will not be amended unless the residents want it amended. He added that delivery trucks will be able to utilize a right of way from Henry Street to Cedar Street. He added that all those who participated in the lawsuit regarding parking will receive parking spots. He noted that people who work in the area now use the site for parking, adding that with the agreement in place, parking will be lessened as only those with spaces will be able to park on the site. He stated that the construction is anticipated to last five to six months and access at one point will always be open. He advised that the Developer is currently looking at lot grading plans to alleviate flooding issues on the site.

The Mayor called three times for further speakers; there being none, it was **MOVED by Councillor Karsten, seconded by Councillor McCluskey that the public hearing close. MOTION PUT AND PASSED.**

MOVED by Councillor Uteck, seconded by Councillor Sloane, that Regional Council approve the proposed amendments to the Halifax Municipal Planning Strategy as contained in Attachment "B" of the staff report dated January 20, 2010.

Councillor Uteck advised Council that she will continue to work with Mr. Metleg and Ms. Burke and the neighbourhood on a solution to any issues. She added that this development is a compatible design for the community and has included a comprehensive community consultation.

In response to a question by Councillor Lund, Mr. Metleg advised that anyone who had made a claim for parking, has been offered a parking spot on the property.

In response to a question by Councillor Barkhouse, Mr. Metleg advised that for those property owners who have made a claim and received parking, the parking space will be included if the home is sold.

MOTION PUT AND PASSED.

Council recessed at 8:15 p.m.

Council reconvened at 8:25 p.m.

Councillor Streach retired from the meeting at 8:25 p.m.

9.2 Case 01227 - Development Agreement - City Centre Atlantic

- C An extract of the March 9, 2010 Regional Council minutes was before Council.
- C A District 12 Planning Advisory Committee report dated February 25, 2010 was before Council.
- C A Heritage Advisory Committee report dated March 4, 2010 was before Council.
- C A staff report dated January 11, 2010 was before Council.

Correspondence was submitted from: Heritage Way Condo Corporation, L.B. Christmas, Ms. Dianne E. Hamilton, Ms. Elizabeth Crocker, Mr. James Hardy, Mr. Creelman MacArthur, Mr. Jim & Ms. Roxann Grant, Mr. Louis Lawen.

Mr. Richard Harvey, Senior Planner, provided the staff presentation on Case 01227, Development Agreement, City Centre Atlantic and responded to questions from members of Council.

Councillor Sloane expressed concern regarding how the development will affect the sunlight to Heritage Way. Mr. Harvey advised that only the maximum light on the street was considered. He added that the current wind study agrees with the first wind report.

In response to a question by Councillor Watts, Mr. Harvey advised that the changes to the outside wall patterns were made following public consultation.

Mayor Kelly reviewed the rules of procedure for public hearings, and opened the hearing for those wishing to speak to the matter.

Mr. Louie Lawen, Dextel Developments, advised Council that he has been building and designing in Halifax for over ten years. He added that his work is high quality urban architecture and is well accepted in the downtown. He stated that this development will be ninety-five condo equivalent rentals including six appliances and air conditioning, which will add approximately one-hundred and fifty people living downtown and supporting business and retail. He stated that the project was designed over twenty years ago and he noted that this proposal is a unique addition to the roof of

the existing building. He added that the construction will not include demolition, excavation or rock breaking and will have no impact on heritage. He noted that there will be undergrounding of some overhead lines on Birmingham Street, it will include a grey water system, and the Developer plans on installing natural gas boilers. He noted that the air condition system was designed in Nova Scotia and has other features creating a green building. Mr. Lawen advised the proposal complies with HRM Planning Strategies, zoning and view planes, and complies with the agreements with Heritage Way. The plan for the site had three phases: Phase One was commercial and underground parking; Phase Two was Heritage Way; and Phase Three, as now being discussed, is a tower. He stated that the building was constructed in the early 1990s, although Phase Three was not developed at that time, the agreement was in place for a tower on the roof. He added that he has had public consultations before meeting with HRM staff. He advised he has had no issues from Martello Towers and he added that Heritage Way was not interested in meeting. He added a wind study has been completed and he noted that the garden rooftop will have more protection from the wind.

The following points of clarification were provided to Council:

Councillor Sloane questioned whether staff had received all the legal documentation regarding the property agreements and property ownership. Mr. Harvey advised that legal documents have been forwarded to HRM staff, including purchase of sale and that documents are registered with Heritage Way and City Centre Atlantic.

Mayor Kelly reviewed the rules of procedure for public hearings, and opened the hearing for those wishing to speak to the matter.

Mr. John MacPherson, Halifax, expressed concern regarding the prospect of Heritage Way losing its roof garden, noting that Heritage Way had received an award for being the first building in Halifax to develop a roof garden. He stated that the development will leave Heritage Way in deep shade most of the day. He added that his unit will receive about one hour of sunlight southwest, with the southeast side receiving less sunlight as well. He expressed concern that the building will create higher winds causing a safety hazard. He noted that Birmingham Street is already a traffic hazard and that access to the City Centre Atlantic garage is already a challenge due to visibility at street level.

Ms. Jean Morris, Halifax, expressed her concern in regard to the aesthetic impact of the tower toward Spring Garden Road. She added that she is not opposed to progress, however, she stated that this proposal does not fit with the character of the area. She added that at the public meeting at Martello Towers, the Developer noted that the Heritage Way was an ugly building but proposed to blend their buildings to look better. She stated that it is irresponsible to build a building not aesthetically pleasing to Spring Garden Road. She added that, as an owner in Heritage Way, this tower is a blister on

City Centre Atlantic's sunny interior solarium and damages the City Centre Atlantic's interior beauty. She added that she is concerned for those residents who contributed many years to the tax base who will live in sunless condominiums.

Ms. Carol Rankin, Halifax, President of Halifax Regional Condo 192, Heritage Way, read a letter on behalf of Mr. & Ms. Eastley. She advised that the Eastley's objections are unchanged since last writing to HRM staff. She expressed concern that the sunlight study was done only on the street and not taking Heritage Way residents into consideration. She added that the grand fathered proposals need to change as they deal with yesterday's issues. She noted that this project no longer stands the test of time. She requested that the HRM Planning Office review and reject this proposal.

Ms. Liz Crocker, Halifax, advised Council that as a business owner on Birmingham Street adding that she was not involved or invited to any meetings regarding this proposal. She expressed concern regarding the loss of parking spaces, adding that when Pete's Frootique was developed two loading zones were lost on Birmingham Street. She raised concern with the number of parking spaces that will be designated for residents. She stated that the construction period will have a negative impact on sidewalk usage, parking and contribute to increased traffic. She stated that she is glad to see development in the downtown, but questioned why this development does not have to meet the requirements of HRMbyDesign.

Mr. Wally Geldart, Halifax, stated that he approves of good development not bad development. He advised that he has concerns regarding this development relating to wind. He stated that the current wind studies do not make sense adding that the methodology of the traffic studies, data base, and statistical analysis comes from the United States. He advised Council that this methodology is not universally accepted. He added that the development must maintain the characteristics of Spring Garden Road.

Mr. Tarun Biju, Halifax, advised Council that the noted sun penetration study was done on the street but not at the neighbouring buildings. He added that there needs to be a second opinion on the wind impact study. He stated that he has worked in downtown Halifax for many years and winds have always been an issue. He suggested that a parking study be done. He noted that construction would be an issue as Birmingham Street is a busy street. He questioned whether the building is LEED certified.

Ms. K. Rajaraman, Halifax, advised Council that information regarding the possibility of a tower was not disclosed when she bought her property in Heritage Way. She added that traffic congestion is now an issue that will get worse with this development. She added that her husband has an illness that can require hospitalization which raises concern regarding emergency vehicle access. She advised that increased security in the area be considered due to the anticipation of increased population. She advised that more studies on wind and sunlight impacts need to be done.

Ms. Cathy Murphy, Halifax, advised Council that she and her husband recently purchased a condo in Heritage Way when they sold their home on Connaught Avenue. She noted that one of the criteria for moving to the building was the green space available at Heritage Way. She expressed concern that, with this proposal, the green space may not exist due to a lack of sunlight. She added that the tower will decrease the resale value of her home. She added that the anticipated proposal was not disclosed to her when she purchased her property. She expressed concern regarding the decrease in the available parking in the underground parking area and noted that getting in and out of the parking area is already a challenge.

Mr. Rajaraman, Halifax, advised Council that parking and traffic is an issue on Birmingham Street which raises concern that increased traffic and decreased parking will be larger issues with this proposal.

Ms. Rachel Darah, Halifax, advised Council that there are systemic issues of mobility and transportation in HRM. She added that if the transportation system was improved, traffic congestion would be relieved. She added that the downtown needs more vibrancy. She noted that HRM has a lot of underutilized green space in the city. She stated that Heritage Way lost an opportunity by not meeting with the Developer regarding this proposal.

Mr. Lawen, advised Council that the rooftop garden at Heritage Way will not be removed, and after construction any damage to the garden will be reinstated. He added that the average public right of way is sixty feet and that this proposal meets that distance. He added that this proposal will affect fifty of the two hundred parking spaces, noting that during the day only approximately twenty-five spaces will be required. He added that it is his goal to build better buildings, noting that the main building was built twenty years ago and Dextel will do its best to achieve the best building. He advised these are rental units that can accommodate those who want to rent. He added that he is planning to have a short construction period and noted that no balconies will be built facing Heritage Way to maintain privacy. He stated that he has been working on this project for four years and urged Council's approval.

The Mayor called three times for further speakers; there being none, it was **MOVED by Councillor Deputy Mayor Johns, seconded by Councillor Sloane that the public hearing close. MOTION PUT AND PASSED.**

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

- 1. Approve the development agreement as contained in Attachment A of the staff report dated January 11, 2010;**

- 2. Require the development agreement be signed and returned within 120 days, or any extension thereof granted by Regional Council on request of the Developer, from the date of final approval by Regional Council or any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

Councillor Uteck stated that this development may not fit with the area but HRM is compelled by the Land Use By-law. She added that Heritage Way is not losing its garden and added that a wind study has been done. She expressed concern that new homeowners are not told of the possibility of new development before they bought their property.

Councillor Sloane advised that she will work with Mr. Lawen and the residents in the area to mitigate concerns.

In response to a question by Deputy Mayor Johns, Mr. Harvey advised that he did not know if new condo owners in Heritage Way were told of potential developments. It was noted by Deputy Mayor Johns, that if new homeowners are not aware of future developments when purchasing a home, it can have a significant impact on their lives.

In response to a question by Councillor Barkhouse, Mr. Harvey advised that the wind study was done on the street level, with a supplementary report expanding on the original wind study. Mr. Lawen advised, in response to a query by the Councillor, that the rental units will be approximately 600-1500 square feet with rental fees being approximately \$1000-\$2000 per month.

MOVED by Councillor Adams, seconded by Councillor Rankin, that Regional Council continue past 10:00 p.m. to the complete the March 30, 2010 Regional Council agenda. MOTION PUT AND PASSED.

Councillor Wile requested that the Developer meet with the business owners in the area to discuss construction times and the impact construction may have on their businesses.

Councillor Watts suggested that parking restrictions may have to be put in place to mitigate parking and traffic concerns.

Councillor Lund advised that the reduction of sunlight to Heritage Way needs to be addressed. In response to a question by the Councillor, Mr. Harvey advised that the traffic study was received and accepted by HRM traffic staff with data coming from standard methodology taking into consideration local circumstances.

Councillor Hum advised that due diligence must be used when purchasing property to ensure all disclosures are met. She suggested that HRM encourage the Province to address the issue of disclosure in regard to real estate transactions.

Councillor Mosher advised that Council voted in favour of the grand fathering of this proposal. She urged residents to look into the possibility of developments when they purchase a property. She added that this is a good opportunity to rent and live in the downtown.

Councillor Rankin suggested that a more detailed wind study be done.

MOTION PUT AND PASSED.

12. MOTIONS

12.1 Councillor Watts - MOU - Events Halifax

Correspondence was received from: Mr. Jim Candow, Mr. Peter McCurdy, Ms. Carole MacDonald, Mr. David Roback, Ms. Nancy Bowes, Mr. David Smith, Ms. Judy Haley, Ms. Judith Nicolle, Mr. Ben Harvie, Mr. Christopher Ipe & Ms. Tanya Nicholson, Mr. Thomas Duffett, Ms. Beverly Miller.

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

“To amend the Memorandum of Understanding with Events Halifax regarding major outdoor concerts, for the purpose of changing the current policy and Memorandum of Understanding on Concerts on the North Common so that:

- a) all major concerts be directed to the Garrison Grounds and that the North Common will no longer be considered as a location for major concerts starting in 2011.**
- b) planned upgrades to the North Common in 2010 be undertaken to enhance the existing uses of the North Common as an open space park and active transportation route and not be directed to supporting the infrastructure needs of the North Common as a major concert venue.**
- c) undertake a comprehensive assessment of the other proposed or possible permanent concert venues where concerts over 35,000**

people could be held, and where there is no disruption to open public recreational and green spaces.”

Councillor Watts stated that concerts in peak season affect sport teams, recreation on the Common and the use of the Common for residents. She suggested that the Garrison Grounds be considered for concerts noting the Garrison Grounds can accommodate up to 30,000 people. She stated that she supports the skating oval on the Common, although it will have an affect on current Common users.

MOVED by Councillor McCluskey, seconded by Councillor Sloane, that the question now be put. MOTION PUT AND PASSED.

MOTION DEFEATED. (2 in favour, 19 against)

Those voting in favour were Councillors Sloane and Watts.

Those voting against were Mayor Kelly, Deputy Mayor Johns, Councillors, Adams, Barkhouse, Dalrymple, Fisher, Harvey, Hendsbee, Hum, Karsten, Lund, McCluskey, Mosher, Nicoll, Outhit, Rankin, Uteck, Walker and Wile.

Councillors Streach, Smith and Blumenthal were absent for the vote.

12.2 Councillor Adams - Administrative Order 39

MOVED by Councillor Adams, seconded by Councillor Walker that Regional Council amend Administrative Order 39, the purpose of which is to amend the airport rate for taxis from \$12.00 to \$18.00 and include Enfield in the rate schedule which would be a fare of \$23.00. MOTION PUT AND PASSED.

13. ADDED ITEMS

13.1 Central Library - Funding Strategy

The following item was dealt with at the Committee of the Whole meeting held earlier in the day and was now before Council for ratification:

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

- 1. Approve the Central Library Funding Strategy as outlined in the March 22, 2010 staff report;**

2. **Approve the Central Library Repayment Reserve Business Case as outlined in the March 22, 2010 staff report;**
3. **Approve the Central Library Recapitalization Reserve Business Case as outlined in the March 22, 2010 staff report;**
4. **Approve an increase to Capital Account CBW00978 of \$52,700,000 as outlined in the Budget Implications section of the March 22, 2010 staff report.**

MOTION PUT AND PASSED.

13.2 Proposed Conceptual Plan - Halifax North Common

The following item was dealt with at the Committee of the Whole meeting held earlier in the day and was now before Council for ratification:

MOVED by Councillor Adams, seconded by Councillor Walker, that Regional Council approve the proposed conceptual plan as described in the March 19, 2010 staff report. MOTION PUT AND PASSED.

13.3 Feeding Waterfowl on private property - Councillor Adams

MOVED by Councillor Adams, seconded by Councillor Walker, that Regional Council request that staff provide legal and by-law direction on the issue of feeding waterfowl on private property. MOTION PUT AND PASSED.

14. NOTICES OF MOTION - NONE

15. ADJOURNMENT

The meeting was adjourned at 10:30 p.m.

Cathy Mellett
Acting Municipal Clerk

INFORMATION ITEMS
March 30, 2010

1. Memorandum from Acting Director, Transportation & Public Works dated March 12, 2010 re: Zebra Crosswalk Markings
2. Memorandum from the Acting Clerk Manager dated March 26, 2010 re: Requests for Presentation to Council - None