



**HALIFAX & WEST COMMUNITY COUNCIL
MINUTES
October 14, 2014**

PRESENT: Councillor Linda Mosher, Chair
Councillor Wayne Mason, Vice-Chair
Councillor Jennifer Watts
Councillor Russell Walker
Councillor Stephen Adams
Councillor Reg Rankin

STAFF: Ms. Karen Brown, Solicitor
Ms. Cathy Mellett, Municipal Clerk
Mr. Liam MacSween, Legislative Assistant

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

The agenda, supporting documents, and information items circulated to Community Council are available online: <http://www.halifax.ca/commcoun/west/141014hwcc-php.php>

The meeting was called to order at 6:08 p.m. Halifax & West Community Council took a ten minute break at 6:14 p.m. and adjourned at 8:07 p.m.

1. CALL TO ORDER

The Chair called the meeting to order in Council Chambers, 3rd Floor City Hall, and 1841 Argyle Street, Halifax.

2. APPROVAL OF MINUTES – June 26 & August 6, 2014

Councillor Rankin noted that his name was incorrectly listed under the regrets section of June 26, 2014 minutes. The Legislative Assistant commented that the error will be corrected.

Councillor Adams requested that a moment of silence be held in honour of former Mayor Walter Fitzgerald. Halifax & West Community Council held a moment of silence in honour of former Mayor Walter Fitzgerald.

MOVED by Councillor Watts, seconded by Councillor Walker that the minutes of June 26 & August 6, 2014 be approved as amended. MOTION PUT AND PASSED.

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

Additions:

13.1 Case 18232: Substantive Amendments to the existing development agreement for Brunello Estates, Timberlea

13.2 Case 18950: Amendments to the Halifax MPS and the Halifax Peninsula LUB – 1047, 1057 and 1065 Barrington Street, Halifax

The Legislative Assistant stated that a two third majority vote is required to add the items to the agenda.

Councillor Rankin commented that Case 18232 is being proposed as an added item at the behest of staff based on the advice of legal services to correct an error in the wording of the proposed development agreement. He requested that Halifax & West Community Council approve the addition of the report to not delay the matter any further. He further requested that discussion on Case 18232 proceed or immediately follow the municipal boundary review.

The Chair noted that Case 18232 was approved by Community Council in June and requested further clarification from the solicitor on the error

Ms. Karen Brown, Solicitor noted that there were several errors in the recitals of the development agreement which need to be corrected.

MOVED by Councillor Rankin, seconded by Councillor Adams that Case 18232 be added to the agenda and moved up for discussion prior to the public hearing.

Councillor Mason commented that he will be voting against the motion to add the staff reports to the agenda given that Halifax & West Community Council did not have adequate time to consider the content of both reports. He further stated that earliest time that Regional Council can consider both staff reports is at its meeting scheduled for late November or early December. He commented that he does not understand why there is a rush to proceed on these matters and requested clarification from staff.

Mr. Kurt Pyle, Major Project Planner noted that Case 18950 can be considered by Community Council at a later date. He advised that that Case 18232 can be considered by Halifax & West Community Council

at the present time as the development agreement for that particular case has already been approved. He further noted that the changes required are minor and it is the recommendation of staff that it move the application forward as soon as possible.

Councillor Mason echoed previous comments regarding not having enough time to review the report and requested that if Case 18232 is added to the agenda, that Halifax & West Community Council take a short recess to review the reports.

Ms. Brown noted that the amendments pertain to the recitals of the development agreement only. More specifically, she noted that the amendments are with regard to document dates and land registration numbers based on previous amendments which have been approved by Community Council.

Councillor Watts thanked Ms. Brown for the clarification and noted that in terms of transparency and due diligence she would not support adding Case 18232 to the agenda at the present time.

Councillor Rankin noted that the circumstances requiring the amendments were not authored by the Developer and that the application should not be further delayed by administrative errors on the part of HRM staff.

MOTION PUT AND PASSED (Two-third majority vote required).

With respect to Item No. 13.2, Councillor Mason commented that he would not support adding the staff report to the agenda at the present time as it does not provide for adequate public notification.

The Chair suggested that a special meeting be held to deal with Case 18950 which provides for public notification.

MOVED by Councillor Mason, seconded by Councillor Watts that Halifax & West Community Council schedule a special meeting to take place on Tuesday, October 21, 2014 to consider Case 18950.

MOTION PUT AND PASSED (Two-third majority vote required).

MOVED by Councillor Rankin, seconded by Councillor Walker that the agenda be approved as amended.

MOTION PUT AND PASSED.

13.1 Case 18232: Substantive Amendments to the existing development agreement for Brunello Estates, Timberlea

The following documentation was before Community Council

- *A staff recommendation Report dated October 9, 2014*

MOVED by Councillor Rankin, seconded by Councillor Adams that Halifax and West Community Council:

- 1. Approve the corrected amending development agreement document for execution, as contained in Attachment A of the staff report dated October 9, 2014; and**
- 2. Require that the development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval of said agreement by Council and any other bodies as necessary, whichever is later, including applicable appeal periods; otherwise this approval shall be void and any obligations arising hereunder shall be at an end.**

Councillor Rankin noted that the amendments are wholly captured on page two of the staff report which includes the corrected dates and wording for the amended development agreement. He requested that Halifax and West Community Council support the motion.

Councillor Watts requested a ten minute recess to review the report.

MOVED by Councillor Watts, seconded by Councillor Mason that Halifax & West Community Council take a ten minute recess to review the report. MOTION PUT AND PASSED.

Halifax & West Community Council reconvened at 6:43 p.m.

MOTION PUT AND PASSED.

- 4. BUSINESS ARISING OUT OF THE MINUTES**
- 5. MOTIONS OF RECONSIDERATION – NONE**
- 6. MOTIONS OF RESCISSION – NONE**
- 7. CONSIDERATION OF DEFERRED BUSINESS – NONE**
- 8. HEARINGS**
 - 8.1 PUBLIC HEARINGS**
 - 8.1.1 2014 Municipal Boundary Review**

The following was before Community Council:

- *A staff information report dated July 21, 2014*

Ms. Cathy Mellett, Municipal Clerk provided a presentation pertaining to the 2014 Municipal Boundary Review.

The Chair thanked Ms. Mellett for her presentation and asked for questions of clarification from Members of Halifax & West Community Council. There were no questions from Members of Halifax and West Community Council. The Chair read the rules of procedure respecting public hearings and invited members of the public to come forward and address Halifax and West Community Council on the 2014 Municipal Boundary Review.

Ms. Wendy MacDonald, resident of Clayton Park West, expressed her view that the Municipal Boundary Review as conducted by HRM is a numbers game as opposed to ensuring proper community representation. She commented that the district in which she currently resides is one of the largest growth areas in the municipality and was divided in to two separate districts as a result of the last boundary review. She suggested that the two new districts do not have a great deal in common and do not share the same family of schools.

Ms. MacDonald noted that the district in which she resides has a large community of new Canadians who currently do not have the ability to vote and commented that this, combined with a high number of transient residents is a challenge for continuity within the community. She commented that she was surprised when the Municipal Clerk mentioned that the district boundaries are not considered for the allocation of municipal services and remarked that it needs to be re-evaluated, as Districts 10 and 12 do not appear to have regional recreation services readily available for residents.

The Chair thanked Ms. MacDonald for her comments and called three times for speakers wishing to address Halifax & West Community Council. No further speakers came forward.

MOVED by Councillor Mason, seconded by Councillor Adams that the public hearing for the 2014 Municipal Boundary Review be closed.

MOTION PUT AND PASSED.

8.2 VARIANCE APPEAL HEARINGS – NONE

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence

The Legislative Assistant noted correspondence received by the Municipal Clerk's Office pertaining to Item No. 10.1.3 - Case 19326: MPS Amendments and a Development Agreement for 1034, 1042, 1050 and 1056 Wellington Street, Halifax which were distributed to members of Halifax & West Community Council prior to the meeting.

9.2 Petitions - NONE

9.3 Presentation

9.3.1 2015-16 Budget Consultations

Mr. Bruce Fisher, Manager of Financial Policy and Planning introduced Ms. Barb Wilson, Budget Coordinator who gave a presentation pertaining to the 2015-16 Budget Consultations.

The Chair thanked Ms. Wilson and Mr. Fisher for their presentation and requested questions of clarification from members of Halifax and West Community Council.

Councillor Rankin inquired about municipal revenues and requested commentary from staff regarding the comparison between residential and commercial taxation.

Mr. Fisher commented that at the time of amalgamation in 1995-96, there was a 50/50 split between residential and commercial taxation. He noted that at the present time, residential taxpayers cover 68% of the overall taxation in the municipality while commercial taxation represents 32%. He noted that this is due primarily to steady increases in housing assessments over the past twenty years. He commented that staff is currently assessing this matter.

Councillor Watts inquired as to how many people participated in the budget allocator. She requested further information respecting the \$17.2 million funding gap and the impacts of removing the cap placed on housing assessments.

Ms. Wilson commented that approximately 400 individuals used the budget allocator in the previous year. She further noted that there was over 7000 comments on the engagement page. She noted that staff is hoping that the numbers for the budget allocator will double from the previous year.

With respect to the funding gap, Mr. Fisher noted that it is a result of a number of difficult decisions made by staff relating to technological upgrades and equipment purchases. He commented that the funding gap will be eliminated by the end of the fiscal year. He further commented that if the assessment cap were removed it would likely shift the tax burden from those that are currently capped to those that are not.

The Chair thanked Mr. Fisher and Ms. Wilson for their presentation and invited members of the public to come forward to speak on the budget.

Mr. Ben Wedge of North End Halifax noted that he is in attendance on behalf of the Halifax Cycling Coalition. He thanked Council for starting the public participation process on the budget and commented that he would like to see more funding for the Active Transportation Priorities Plan. He stated that to achieve many of the active transportation projects related to cycling in HRM, a funding commitment of

\$500,000 per year is required. He asserted that this would comprise a fairly insignificant portion of HRM's road budget. He stated that his organization believes that the active transportation budget should be increased to \$1 million per year to achieve the goals of the Active Transportation Plan set out in 2006.

Mr. Wedge commented that an additional \$500,000 for road repaving projects related to bicycle infrastructure would increase safety and to allow council to achieve its goals of attracting more individuals to take part in active transportation. He commented that currently, one per cent of HRM's road Project budget is being spent on North Park Street which is very positive. He suggested that the \$7 million spent on that project could build 50-60 kilometers of protected bike lanes throughout the municipality. He concluded by encouraging members of Community Council to think of creative ways to get people involved in active transportation.

Ms. Wendy MacDonald, resident of Clayton Park West, stated that there is a lack of signage within HRM that specifies the rules for cycling on trails. She further commented that more resources need to be allocated for trails within HRM. She noted that a significant portion of the 600 kilometers of trails in HRM are maintained by volunteers which do not receive enough support. She remarked that there is a large gap in trails staff and as a result, volunteers are working without mentors which would make their jobs much more efficient.

Ms. McDonald also noted garbage issues with respect to trails. She commented that the dumping of organics and other waste on trails is very prevalent and that more money needs to be spent on public education to deter that behavior. She concluded by expressing her view that more funding should be allocated to By-law enforcement.

The Chair called two more times for further speakers. There were none, as such the public participation component of the budget presentation was closed.

Councillor Rankin commented that further information pertaining to the breakdown of revenues would improve public discourse with respect to the budget allocator tool.

Mr. Fisher commented that staff is constantly searching for better ways to provide information to the public regarding the budget. He noted that staff can revisit the manner in which the allocator is set up to provide more information on residential and commercial taxation. He noted that the key component of the allocator related to public education so that people can see the impact of raising a budget by several percentage points.

Councillor Walker thanked staff for their presentation and noted that the scheduled Committee of the Whole session for February 11, 2015 pertaining to the budget conflicts with a Sustainability conference being held in Windsor, Ontario. He commented that some Councillors may wish to attend this conference and that the schedule should be revised to reflect the conference date.

10. REPORTS

10.1 STAFF

10.1.1 Case 19340: Discharge of Development Agreements – 3055 Agricola Street, Halifax

The following was before Community Council:

- *A staff recommendation report dated August 29, 2014*

MOVED by Councillor Watts, seconded by Councillor Mason that Halifax and West Community Council:

- 1. Approve, by resolution, the discharge agreement as contained in Attachment A of the staff report dated August 29, 2014, to allow for the discharge of three development agreements applied to 3055 Agricola Street, Halifax; and**

2. **Require the discharging agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

Councillor Watts noted that existing development agreements for this particular case no longer have applicability due to a zoning change. She commented that the motion is for housekeeping purposes.

MOTION PUT AND PASSED.

10.1.2 Case 19275: Non-Substantive Amendments to Existing Development Agreement – Dutch Village Road and Alma Crescent, Halifax

The following was before Community Council:

- *A staff report dated September 28, 2014*

MOVED by Councillor Walker, seconded by Councillor Adams that that Halifax and West Community Council:

1. **Approve, by resolution, the Amending Development Agreement as shown in Attachment “A” of the staff report dated September 28, 2014 to allow for the subdivision of the property and a one year extension to the date of commencement of a mixed-use development at Dutch Village Road and Alma Crescent, Halifax (former Halifax West High School site); and**
2. **Require that the Amending Development Agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval shall be void and any obligations arising hereunder shall be at an end.**

Councillor Walker commented that the application is to allow the subject area to be divided into three separate parcels to allow for three separate ways to finance the overall project. He commented that there were some construction delays and as a result the development agreement is set to expire on April 1, 2014. He commented that the developers need an extension of the development agreement to complete the project and requested the support of Community Council to approve the extension.

Councillor Watts clarified that there is no change to the development agreement for this project which was previously approved by Halifax & West Community Council.

MOTION PUT AND PASSED.

10.1.3 Case 19326: MPS Amendments and a Development Agreement for 1034, 1042, 1050 and 1056 Wellington Street, Halifax

The following was before Community Council:

- *A staff recommendation report dated September 26, 2014*
- *A Memorandum from the District 7&8 Planning Advisory Committee dated September 23, 2014*
- *An Extract of Minutes from the September 3, 2014 Public Meeting held by the District 7 & 8 Planning Advisory Committee*
- *An Extract of draft minutes from the September 22, 2014 meeting of the District 7 & 8 Planning Advisory Committee*
- *Correspondence received by the Municipal Clerks Office between September 29 and October 14, 2014*

MOVED by Councillor Mason, seconded by Councillor Watts that that Halifax and West Community Council recommend that Halifax Regional Council refuse the proposed amendments to the Halifax Municipal Planning Strategy (MPS) and Halifax Peninsula Land Use By-law (LUB), to enable development of a multiple unit residential building at 1034, 1042, 1050 and 1056 Wellington Street, Halifax, by development agreement, as contained in Attachments A and B of the staff report dated September 26, 2014.

Councillor Mason commented that he supports the staff recommendation. With respect to density and infill he commented that sensitive infill must take place in the urban core and that the project before Community Council does not comprise good planning and is not feasible given the zoning applied to the neighbourhood. He stated that Halifax and West Community Council have a duty to approve appropriate developments for the community and expressed his view that the proposal in this particular instance does not fit.

With respect to neighbourhood stability, Councillor Mason commented that there is very little support for the project within the community and referenced a petition that has already been submitted to Regional Council on this matter. He concluded by stating that the opinion of staff and those in the neighbourhood should be respected and requested that his colleagues support the staff recommendation to refuse the proposed amendments to the MPS and LUB.

Councillor Watts stated that she supports the staff recommendation and echoed Councillor Mason's comments. She noted that Councillor Mason provided a very thoughtful analysis on the proposal and the impact that it would have on the peninsula. She commented on a great deal of excitement surrounding the Centre Plan and advised that people are looking for respectful development on the peninsula. She explained that density that is over dense or poorly designed will counter the goals that Council and staff is trying to achieve with the Centre Plan. She encouraged other members of Halifax & West Community Council to support the staff recommendation and noted that she would be glad to see the proposal come back at another time to address the concerns raised by staff and the community.

Councillor Mason commented that Community Council can change the rules respecting development when it makes sense to do so, based on the will of the community and good dialogue with developers. He noted that he cannot see how this proposal will be good for the peninsula. He reiterated his request that Halifax & West Community Council approve the staff recommendation.

The Chair noted considerable correspondence received by Halifax & West Community Council as well as the minutes from the Planning Advisory Committee when the application was before.

MOTION PUT AND DEFEATED.

The following alternative motion was proposed for the consideration of Halifax & West Community Council:

MOVED by Councillor Walker, seconded by Councillor Adams that Halifax & West Community Council recommend that Halifax Regional Council:

- a) **Give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy (MPS) and the Halifax Peninsula Land Use By-law (LUB) as set out in Attachments A and B of the staff report dated September 26, 2014 and schedule a joint public hearing with Halifax and West Community Council;**
- b) **Approve the proposed amendments to the Halifax MPS and the Halifax Peninsula LUB, as contained in Attachments A and B of the September 26, 2014 staff report.**
- c) **Move Notice of Motion to consider the proposed development agreement as set out in Attachment C of the staff report dated September 26, 2014 to permit the development a multiple unit residential building at 1034, 1042, 1050 and 1056 Wellington Street, Halifax.**

The public hearing for the development agreement shall be held concurrently with Regional Council as indicated in recommendation A.

Councillor Mason expressed his disappointment that Halifax & West Community Council chose to defeat the staff recommendation. He commented that he believes that the community and staff were very clear on this matter and that the process will be dragged out unnecessarily.

MOTION PUT AND PASSED.

10.1.4 Community Council Appointments to Standing Committees, Grants & Special Events

Ms. Cathy Mellett, Municipal Clerk provided a brief presentation with respect to the Appointments to Standing Committees. She noted that there will also be at large appointments to Standing Committees that will be brought forward to Regional Council at a future date. She remarked this will not be the last opportunity for Councillors to be nominated to a particular Standing Committee.

Appeals Standing Committee:

MOVED by Councillor Rankin, seconded by Councillor Watts that Halifax and West Community Council recommend that Halifax Regional Council appoint Councillor Adams to the Appeals Standing Committee.

The Chair asked for further nominations, there were none.

MOTION PUT AND PASSED.

Audit & Finance Standing Committee:

The Chair opened the floor for nominations for the Audit & Finance Standing Committee:

MOVED by Councillor Mason, seconded by Councillor Adams that Halifax and West Community Council recommend that Halifax Regional Council appoint Councillor Rankin to the Audit & Finance Standing Committee.

The Chair asked for further nominations, there were none.

MOTION PUT AND PASSED.

Community Planning and Economic Development Standing Committee:

The Chair opened the floor for nominations for appointment to the Community Planning and Economic Development Standing Committee.

MOVED by Councillor Watts, seconded by Councillor Adams that Halifax and West Community Council recommend that Halifax Regional Council appoint Councillor Mason to the Community Planning and Economic Development Standing Committee.

The Chair asked for further nominations, there were none.

MOTION PUT AND PASSED.

Environment and Sustainability Standing Committee:

The Chair opened the floor for nominations for appointment to the Environment and Sustainability Standing Committee.

MOVED by Councillor Mason, seconded by Councillor Adams that Halifax and West Community Council recommend that Halifax Regional Council appoint Councillor Watts to the Environment and Sustainability Standing Committee.

The Chair called for further nomination, there were none.

MOTION PUT AND PASSED.

Transportation Standing Committee:

The Chair opened the floor for nominations for appointment to the Transportation Standing Committee.

MOVED by Councillor Mason, seconded by Councillor Rankin that Halifax & West Community Council recommend that Halifax Regional Council appoint Councillor Mosher to the Transportation Standing Committee.

The Chair called for further nominations, there were none.

MOTION PUT AND PASSED.

Grants Committee:

The Chair opened the floor for nominations to the Grant Committee.

MOVED by Councillor Rankin, seconded by Councillor Adams that Halifax and West Community Council recommend that Halifax Regional Council appoint Councillor Walker to the Grants Committee.

The Chair called for further nominations, there were none.

MOTION PUT AND PASSED.

Special Events Advisory Committee:

The Chair opened the floor for nominations to the Special Events Advisory Committee

MOVED by Councillor Watts, seconded by Councillor Rankin that Halifax and West Community Council recommend that Halifax Regional Council appoint Councillor Adams to the Special Events Advisory Committee.

The Chair called for further nominations to the Special Events Advisory Committee, there were none.

MOTION PUT AND PASSED.

District 7 & 8 Planning Advisory Committee:

The Chair opened the floor for nominations to the District 7 & 8 Planning Advisory Committee.

MOVED by Councillor Adams, seconded by Councillor Walker that Halifax and West Community Council recommend that Halifax Regional Council appoint Councillors Mason and Watts to the District 7 & 8 Planning Advisory Committee.

The Chair called for further nominations, there were none.

MOTION PUT AND PASSED.

10.1.5 Appointment of a Community Council Representative to the Selection Committee for the Naming Contest for Two New Harbour Ferries

The following was before Community Council:

- *A staff recommendation report to Regional Council dated August 6, 2014*

MOVED by Councillor Watts, seconded by Councillor Rankin that Halifax & West Community Council recommend that Halifax Regional Council appoint Councillor Mason to the Ferry Naming Committee.

MOTION PUT AND PASSED.

Councillor Mason accepted the nomination to the Ferry Naming Committee.

10.2 MEMBERS OF COMMUNITY COUNCIL

10.2.1 Councillor Mosher – Hours of Operation, Public Washrooms

The following was before Community Council:

- *An added items request form*

Councillor Mason assumed the position of Chair for this matter.

Councillor Mosher provided background information pertaining to the report request and expressed her view that public washroom facilities in parks need to be opened longer during the supervised beach season so that residents can make better use of the facilities.

MOVED by Councillor Mosher, seconded by Councillor Adams that Halifax & West Community Council request a staff report exploring the possibility of keeping the public washroom, change facilities and fountain/shower open before and after the supervised beach season and to enable the facilities to be open after 5 pm for the entire season.

Councillor Watts expressed her support for the motion and commented that this is a broader issue which impacts many parts of the municipality. She commented on the potential for a broader review of the hours of operation for public facilities after this requested staff report comes back to Community Council for consideration.

MOTION PUT AND PASSED.

Councillor Mosher reassumed the position of Chair.

11. MOTIONS – NONE

12. IN CAMERA – NONE

13. ADDED ITEMS – NONE

13.1 Case 18232: Substantive Amendments to the existing development agreement for Brunello Estates, Timberlea

This matter was dealt with earlier in the meeting. Please see pages 3-4.

14. NOTICES OF MOTION – NONE

15. PUBLIC PARTICIPATION

The Chair asked members of the public to come forward and address Halifax Community Council on matters pertaining to the community.

Ms. Wendy MacDonald, resident of Clayton Park West expressed her fondness for the new Halifax website and noted that it is very comprehensive. She commented that she would like to see more in the way of mapping and has been having a difficult time contacting staff in the Geographic Information Systems (GIS) department. She expressed her dismay that not enough resources are being provided to Recreation programs for youth in her community and noted a lack of community meeting space for volunteer groups. She further inquired about the possibility of establishing a Planning Advisory Committee for the Mainland North area of HRM.

The Chair thanked Ms. McDonald for her comments and noted that the Municipal Clerk's Office can help ensure that her comments and suggestions get forwarded to GIS staff.

The Chair called for further speakers, there were none.

16. DATE OF NEXT MEETING – November 25, 2014.

17. ADJOURNMENT

The meeting was adjourned at 8:07 p.m.

Liam MacSween
Legislative Assistant