

HALIFAX REGIONAL COUNCIL
MINUTES

June 16, 2009

PRESENT:

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

REGRETS:

Councillor Mary Wile
Linda Mosher

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

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1. INVOCATION

The Mayor called the meeting to order at 11:46 a.m. with the Invocation being led by Councillor Dalrymple.

SPECIAL PRESENTATION - CITIZENSHIP AWARDS

This item was dealt with later in the meeting. See page 25.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

This item was dealt with later in the meeting. See page 26.

3. APPROVAL OF MINUTES - May 25 & June 2, 2009

MOVED by Councillor Walker, seconded by Councillor Johns that the minutes of May 25 & June 2, 2009, as presented, be approved. MOTION PUT AND PASSED

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

Councillor Karsten entered the meeting at 11:48 a.m.

Additions: 12.1 Information Item - Harbour Solutions
12.2 Fiscal Health

MOVED by Councillor Uteck, seconded by Councillor Lund that Halifax Regional Council hold a special In Camera session immediately prior to the HRMbyDesign matter. MOTION PUT AND PASSED.

MOVED BY Councillor McCluskey, seconded by Councillor Sloane, that the Order of Business, 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

MOVED BY Councillor Blumenthal, seconded by Councillor Smith that Halifax Regional Council move In Camera at this time. MOTION PUT AND PASSED.

Council moved In Camera at 11:51 a.m.

Council reconvened its regular session at 1:38 p.m.

8. CONSIDERATION OF DEFERRED BUSINESS

8.1 HRM by Design

This item was deferred from the Regional Council meeting of June 2, 2009.

- The following reports were before Council.
 - (i) Supplementary Staff Report dated May 25, 2009
 - (ii) Supplementary Staff Report dated April 2, 2009
 - (iii) Urban Design Task Force Report
 - (iv) Regional Plan Advisory Committee Report
 - (v) Heritage Advisory Committee Report
 - (vi) February 4, 2009 Staff Report - REVISED
 - (vii) Proposed Downtown Halifax Secondary Municipal Planning Strategy - REVISED
 - (viii) Proposed Downtown Halifax Land Use By-Law - REVISED
 - (ix) Proposed Barrington Street Heritage Conservation District Revitalization Plan and By-Law - REVISED
 - (x) District 12 Planning Advisory Committee Report

Mr. Andy Fillmore, Urban Design Project Manager, presented to Council. He provided a brief overview of the process including the extensive, thorough public consultation program. Three Regional Council Advisory Committee's had recommended approval of the proposed plan: the Urban Design Task Force, Regional Plan Advisory Committee and the Heritage Advisory Committee. The vast majority of residents were in support of the proposed plan with approximately 20% expressing some concern with too little new growth or that the plan was too differential to heritage concerns or not differential enough. Mr. Fillmore's presentation included 3D Model images presented for clarification of height issues, a recap of the proposed amendments as contained in the May 25, 2009 Supplementary Report, further issues for consideration and the motions.

Councillor Harvey entered the meeting at 1:51 p.m.

The 3D images clarified issues surrounding concerns that the existing viewplanes be upheld with no impediments. Mr. Fillmore reviewed the proposed amendments in the Supplementary Report dated May 25, 2009 resulting from comments raised during the public hearing as well as minor housekeeping corrections brought forward by staff. The proposed amendments were non-substantive. He noted that if Council were to make any substantive amendments to the plan from how it existed at the time of the public hearing, a new public hearing would be required.

Issues for consideration/clarification included the following:

1. The \$4 per square foot proposed charge for density bonusing. Mr. Fillmore explained that the charge for bonus density zoning has been set at the low end of the national spectrum so as not to discourage development/growth. Consideration had been given to increasing the amount, however, any substantive increase would be a substantive amendment requiring a public hearing. Staff have recommended that plan monitoring be used for any increases or improvements to the program in the future. *(Page 13, Supplementary Report dated May 25, 2009)*
2. Maximum Heights in Precinct #2 - Barrington South. The concern expressed was that the proposed maximum building height for the Barrington South Heritage Conservation District was higher than permitted under existing policy/regulations which may, if approved, encourage property owners to demolish registered heritage buildings in order to build taller buildings and maximize return on their investment. A uniform height of 72' has been proposed throughout the area. Under existing policy/regulation, building height in the area is only measured to the beginning of the top floor which exempts the top floor and roof structure from the maximum height calculation. Under the proposed policy/regulations, maximum height would be calculated to the top of the building. True maximum heights under existing policy are actually higher than they seem. The maximum heights for five of the buildings would be reduced or kept the same while the remaining twenty-five (25) registered heritage buildings seeing a marginal increase to allowable maximum height (approximately one storey). Staff recommend no change to the proposed plan. *(See table, Page 14, Supplementary Report dated May 25, 2009.)*
3. Impact of the Downtown Plan on the remainder of the Regional Centre. The proposed plan would only have effect within the downtown plan area outlined on Map 1 of the proposed Downtown Halifax Secondary Municipal Planning Strategy. All other existing policies, regulations and procedures for the Regional Centre areas outside the downtown plan area would remain unchanged with the exception of several minor housekeeping amendments outlined in the Supplementary Report dated May 25, 2009. *(Page 15, Supplementary Report dated May 25, 2009)*

Mr. Fillmore reviewed the recommendations before Council and concluded his presentation.

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

1. **Approve the proposed Downtown Halifax Secondary Municipal Planning Strategy, as contained in Attachment A-1 of the February 4, 2009 report, and as amended under Attachments A, B, C, E, F, G, H, J, M and P of the April 2,**

- 2009 report, and as further amended under Attachment C of the report dated May 25, 2009.**
- 2. Approve the proposed Downtown Halifax Land Use By-Law, as contained in Attachment A-2 of the February 4, 2009 report, and as amended under Attachments D, I, K and N of the April 2, 2009 report, and as further amended under Attachment D of the report dated May 25, 2009.**
 - 3. Approve the proposed Barrington Street Heritage Conservation District Revitalization Plan and By-Law, as contained in Attachment A-3 of the February 4, 2009 report.**
 - 4. Approve the proposed amendments to the Regional Municipal Planning Strategy as contained in Attachment B-1 of the February 4, 2009 report.**
 - 5. Approve the proposed amendments to the Halifax Municipal Planning Strategy as contained in Attachment B-2 of the February 4, 2009 report.**
 - 6. Approve the proposed amendments to the Halifax Peninsula Land Use By-law as contained in Attachment B-3 of the February 4, 2009 report.**
 - 7. Approve the proposed amendments to the Heritage Property By-law (By-law H-200), as contained in Attachment B-4 of the February 4, 2009 report.**
 - 8. Approve the amendments to the Heritage Conservation District (Barrington Street) By-law as contained in Attachment E of the May 25, 2009 Supplementary Report.**
 - 9. Approve the proposed amendments to the Building By-law (By-law B-201) as contained in Attachment B-5 of the February 4, 2009 report.**
 - 10. Approve the proposed amendments to the Encroachment By-law (By-law E-200) as contained in Attachment B-6 of the February 4, 2009 report.**
 - 11. Appoint the Urban Design Task Force as the Plan Monitoring Body discussed in Section 8.6 of the proposed Downtown Halifax Secondary Municipal Planning Strategy for a period of two years or until Council decides otherwise.**

Councillor Rankin noted that he was in support of the motion as it was based on and reflected the extensive consultation held over two years with all parties. He noted that he would be hesitant to entertain further amendments at this time due to the extensive consultation and compromise already achieved.

Councillor Sloane expressed concern with the height for the twenty-five (25) designated heritage properties in the proposed Barrington South Heritage Conservation District that would be affected. She requested a 50' height limit or a stop gap measure to prevent a "loft" situation from occurring until the Heritage Functional Plan was complete.

MOVED BY Councillor Sloane, seconded by Councillor Outhit that the existing Land Use By-Law height regulations and height definitions be maintained in the area designated Barrington South Heritage Conservation District.

In response to Councillor Smith, Mr. Paul Dunphy, Director, Community Development, explained that the proposed amendment would maintain the status quo for as-of-right development in the Barrington South Heritage Conservation District.

Councillor Uteck expressed concern with remaining at status quo noting a possible loophole that could potentially have property owners with pitched rooves, currently an uninhabitable space, create an apartment in that space with a rush on development permits to reconfigure rooflines at 45' under the R-1 and R-2 Zones.

MOTION TO AMEND PUT AND PASSED.

Discussion ensued on the main motion:

Mr. Fillmore confirmed for Councillor Watts that there was a modelling error in the Viewplane #3 Existing City/HRM by Design Potential slides in the PowerPoint presentation noting that on the build out slide there should be envelopes showing HRM By Design style massing up to the rampart height. In regard to Viewplanes # 5&6, Mr. Dunphy clarified that some of the existing buildings appear to be disappearing in the proposed potential build out slides as they are obscured by new buildings in the foreground.

Councillor Sloane explained that the Schmidville area, a potential heritage district, with smaller scale homes of one to two storeys would have a "bound-in" feeling and suggested the following amendment:

MOVED by Councillor Sloane, seconded by Councillor Watts that the HRM owned lots on Clyde Street, when developed, have a streetwall of 50' allowing for a 10' setback and additional height.

Mr. Fillmore advised that the amendment would be non-substantive, however; profit from the redevelopment of the Clyde Street lands was intended to go directly toward the Central Library and any diminished development capacity of those lands would impact that funding. The amendment would be in line with what was permitted under the current policy.

MOTION TO AMEND PUT AND PASSED.

Discussion ensued on the main motion:

MOVED BY Councillor Watts, seconded by Councillor Sloane that all new buildings must achieve LEEDS Silver or equivalent prior to being eligible for Bonus Density Zoning.

In response to a concern raised by Councillor Karsten, Mr. Fillmore advised that HRM was not empowered under the HRM Charter to make LEEDS Silver or LEEDS Silver equivalent demands from the private sector.

Ms. Mary Ellen Donovan, Municipal Solicitor, explained that the timeliness of the motion was in order, however; the motion would be out of order due to jurisdiction reasons as the jurisdiction was under provincial regulation and currently outside the scope of what Council was able to undertake.

As a result of the clarification by the Solicitor, the motion was ruled out of order.

Councillor Harvey noted that his support for the motion had risen with the proposed amendments and that he would be more comfortable if the proposed Functional Plans and Heritage Conservation designations were already in place.

Councillors Sloane and Hum requested that the issue of LEEDS Silver or equivalent qualification be brought forward for discussion under the Environmental Sustainability Functional Plan in regard to bonusing. Mr. Dunphy noted that the issue would be part of public consultation and Committee review for the Functional Plan.

Discussion ensued on the main motion:

MOVED BY Councillor Johns, seconded by Councillor Lund that the composition of the Design Review Committee be increased to twelve (12) members to include an additional Community Representative and one Councillor at large from the Halifax Regional Municipality.

Councillor Watts advised that she was in support of the amendment. She suggested that the Committee composition also include someone with expertise in affordable housing and social concerns.

Ms. Donovan advised that a member of Council being included as a member of the Design Review body would be problematic as Members of Council would be sitting in appeal against such decisions and would not want to be sitting on appeal in regard to their own decisions. The new legal process would place Council in the stead of the Nova Scotia Utility and Review Board and it would be a dysfunctional arrangement to have a Member of Council serving on the Design Review Body. All Members of Council would be able to attend the meetings as an observer but not in an Ex Officio capacity.

Mayor Kelly ruled that the motion was out of order.

MOVED BY Councillor Johns, seconded by Councillor Dalrymple that the Composition of the Design Review Committee be increased from ten (10) to twelve (12) members with the two (2) additional positions to be filled by Community Representatives for a total of three (3) Community Representatives.

Councillor Sloane expressed concern with additional community representatives without some type of qualifier as the Design Review Committee would be dealing with technical issues such as architecture, planning and design, construction, and landscape design. She explained that she would not want the community representatives to feel ill at ease on the Committee.

Mr. Fillmore commented that there would be a strict sixty (60) day time limit for decisions and cautioned bringing lay people onto the Committee in large numbers as the larger the Committee the longer it would take to obtain a decision. The Design Review Committee was proposed to be very fast moving with professionals speaking a common language and making headway quickly. If the sixty (60) day deadline were not met, the application would be deemed to have been refused.

Councillor Lund noted that he was in support of the increase.

Councillor Sloane suggested that one of the parameters be that the Citizen Representatives be from District 12.

Councillor Uteck advised that she was not in support of a larger Committee as the larger the group the more dysfunctional it could become. Further, there were current issues with larger HRM Boards and Committees in regard to trying to get members together for meetings. She noted that the professionals would also be citizens of HRM who happen to carry unique skills.

In response to Councillor Walker, Ms. Donovan advised that the proposed amendment would be a non-substantive amendment.

Councillor Walker advised that he was against the proposed amendment.

Councillor Dalrymple suggested that people be given more credit and that fresh faces would be a benefit. He suggested that one of the Community Representatives be a person with a disability.

Councillor Karsten advised that he was not in support of the proposed amendment as the current Urban Design Task Force, who has met for three years, has discussed the issue and suggested a composition of ten (10).

Councillor Harvey advised that he was in support of the increase and suggested that one of the positions be reserved for a representative from the Heritage Trust of Nova Scotia.

Councillor Watts concurred with the suggestion for a representative from the Heritage Trust. She commented that greater confidence had to be given to HRM residents in regard to citizen representatives and that a professional designation should not be a requirement as many people could review the issues and provide very good comment.

Councillor Younger advised that he was in agreement with the twelve members but without restriction on where the representatives would be from.

Councillor Smith advised that he was not in support of an increase as it would be a technical Design Review Committee where expertise would be required.

Councillor Rankin advised that he was not in support of the proposed amendment. The Committee would be a work group not a community representative body. There should not be an inference that the other members would be divorced from their communities by their professional designation.

Councillor Outhit suggested that the total composition remain the same while still increasing community representation by removing a couple of the professional designations and replacing them with lay people. He was in support of the amendment.

Councillor Johns explained that his intent was to increase public participation as a long term advisory Committee should have more public representation. There are qualified people from other areas of the Municipality who may have something to bring forward to make the recommendations to Council stronger and better. He noted that a number of speakers during the public hearing stated that they were not comfortable with the composition of the proposed Committee. He requested that some diversity be brought in.

Mr. Dunphy cautioned Council on the idea of reducing the number of professionals or the proportion of professionals to lay persons as the Composition of the Committee was based on best practices. He noted that the proposed Design Review Committee would be making decisions, not simply providing input.

MOTION TO AMEND PUT AND PASSED.

Councillor Lund requested timely status updates to Council in regard to the Functional Plans and that the Sustainability Functional Plan be done as quickly as possible.

In response to Councillor Lund, Mr. Fillmore advised that the issue of extending the temporary tax forgiveness for development of heritage properties outside the Barrington South Heritage Conservation could be addressed during the Regional Heritage Functional Plan discussions which was on the Committee's priority list. The timeframe for returning to Council would be approximately eighteen (18) to thirty (30) months.

Council recessed at 3:16 p.m.

Council reconvened at 3:36 p.m.

Mr. Fillmore provided the following points of clarification:

- In response to Councillor Lund, notification of the Design and Review Committee meetings would be through the Municipal Clerk's Office in the same format as other HRM Board and Committee meetings. The Newspaper advertisement would be for the public consultation process.
- In regard to the 3D modelling concerns raised earlier by Councillor Watts: under the proposed HRM by Design build out at the Dispensary Building in Viewplane #6, there was a small build out on the roof that was not present in previous representations.
- the TD Bank Towers in Viewplane #4 that seem to disappear under the build out slide - this was intended to show the view if the towers were torn down and rebuilt under HRM by Design rules up to the ramparts and is simply a different interpretation of the ramparts By-law.

Ms. Donovan provided the following clarification on process:

- Council was currently engaged in the adoption of a new By-Law and, as a consequence of that, the rules for the number of times a Councillor may speak do not impact the number of motions an individual Councillor may bring forward.
- Once a motion was put forward it would be a new motion and all members of Council may speak to it. The original motion is put forward, amendments are addressed, then the final motion is addressed.
- All Members of Council would be entitled to speak on the final motion as per Administrative Order 1 (the five and three minute rule).

Discussion ensued on the main motion:

MOVED BY Councillor Sloane, seconded by Councillor Lund that the Chedrawe property on Rainnie Drive and Cogswell Street be given a post bonus height of 60'.

Councillor Sloane advised that Mr. Chedrawe had requested the amendment in order to construct the building he brought forward to the community which included plans for a park, public amenities and incorporation of public art. She noted that the Blue Cross building was permitted post bonus height and was located down the street from this property.

Mr. Fillmore clarified that the proposed amendment would raise the maximum post bonus height for the Chedrawe property on the triangular point of land on Rainnie Drive and Cogswell Street from 52' to 62'. Staff had no issues with the amendment.

MOTION TO AMEND PUT AND PASSED.

Discussion ensued on the main motion.

MOVED BY Councillor Watts, seconded by Councillor Barkhouse that the height of heritage buildings be maintained by setting the maximum height of any heritage building as the actual current height of the said building until the proposed Heritage Conservation District in Historic Properties was in place.

Councillor Watts explained that the proposed amendment was intended to protect the buildings in the area until there was stronger policy in place and establishment of the heritage conservation district.

Mr. Fillmore advised that the proposed amendment would be a Substantive amendment.

Mayor Kelly ruled that the motion was substantive and therefore out of order.

Discussion ensued on the main motion:

MOVED BY Councillor Sloane that the St. Matthew's Church property have a post bonus height of 90'.

Mr. Fillmore advised that the proposed increase of 20' would yield a 92' development opportunity that would overshadow Government House and the Church and would be an anomaly to the Barrington South Heritage Conservation District. The Urban Design Task Force had debated this issue and had decided that the best method would be by plan amendment and a public hearing process. The proposed amendment would be a substantive amendment.

Mayor Kelly ruled that the motion was a substantive amendment and therefore out of order.

Discussion ensued on the main motion:

MOVED BY Councillor Watts that the pre bonus heights for heritage properties currently outside any proposed heritage conservation district be amended to the current height of the heritage property.

Mr. Fillmore advised that this would be a substantive amendment as it would abridge development rights currently in hand by the owners.

Having no seconder, the motion was lost.

Discussion ensued on the main motion:

MOVED BY Councillor Sloane that the Curry Village property be a transition property with the height reduced to 140'.

Councillor Sloane advised that residents of the area requested that this property be a transition property and not the height of the Trillium property.

Mr. Austin French, Manager, Planning Services, advised that staff believe the proposed amendment to be substantive as it would lower the height below what was permitted in the current development rights.

Having no seconder, the motion was lost.

Councillors Karsten and Hum expressed concern with the process as staff, and the Committee, were not provided time to review the amendments.

Mayor Kelly clarified that Councillors have had discussions with staff and that any substantive amendments were not being dealt with at this time.

Discussion ensued on the main motion.

MOVED BY Councillor Watts that the Development Officer responsible for the Downtown Halifax Municipal Planning Strategy provide a status sheet of all development applications in process to the Peninsula Community Council and Regional Council so that the status sheets become part of the public record.

Mayor Kelly ruled that the motion was out of order as it would be an administrative directive and not part of the By-Law.

A vote was then taken on the final, amended main motion as follows:

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

- 1. Approve the proposed Downtown Halifax Secondary Municipal Planning Strategy, as contained in Attachment A-1 of the February 4, 2009 report, and as amended under Attachments A, B, C, E, F, G, H, J, M and P of the April 2, 2009 report, and as further amended under Attachment C of the report dated May 25, 2009.**
- 2. Approve the proposed Downtown Halifax Land Use By-Law, as contained in Attachment A-2 of the February 4, 2009 report, and as amended under Attachments D, I, K and N of the April 2, 2009 report, and as further amended under Attachment D of the report dated May 25, 2009.**
- 3. Approve the proposed Barrington Street Heritage Conservation District Revitalization Plan and By-Law, as contained in Attachment A-3 of the February 4, 2009 report.**

4. Approve the proposed amendments to the Regional Municipal Planning Strategy as contained in Attachment B-1 of the February 4, 2009 report.
5. Approve the proposed amendments to the Halifax Municipal Planning Strategy as contained in Attachment B-2 of the February 4, 2009 report.
6. Approve the proposed amendments to the Halifax Peninsula Land Use By-law as contained in Attachment B-3 of the February 4, 2009 report.
7. Approve the proposed amendments to the Heritage Property By-law (By-law H-200), as contained in Attachment B-4 of the February 4, 2009 report.
8. Approve the amendments to the Heritage Conservation District (Barrington Street) By-law as contained in Attachment E of the May 25, 2009 Supplementary Report.
9. Approve the proposed amendments to the Building By-law (By-law B-201) as contained in Attachment B-5 of the February 4, 2009 report.
10. Approve the proposed amendments to the Encroachment By-law (By-law E-200) as contained in Attachment B-6 of the February 4, 2009 report.
11. Appoint the Urban Design Task Force as the Plan monitoring body discussed in Section 8.6 of the proposed Downtown Halifax Secondary Municipal Planning Strategy for a period of two years or until Council decides otherwise.
12. That the existing Land Use By-Law height regulations and height definitions be maintained in the area designated Barrington South Heritage Conservation District.
13. That the Clyde Street lands, when developed, have the street wall set at 50 feet and allow for a 10 foot setback and additional height.
14. That the membership on the Design Review Committee be increased to 12 to include three community representatives.
15. That the post bonus height for the Chedrawe property on Rainnie Drive be set at 60 feet.

MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence

9.1.1 Great Community Festival - Prospect - Request for Helicopter Fly-Past & Landing

- A letter from Ms. Rhonda Dea, Chair of the Great Community Festival was before Council.

MOVED BY Councillor Rankin, seconded by Councillor Lund, that Regional Council grant permission for a helicopter to land at the Brookside Junior High Sport Field, located along the Prospect Road. MOTION PUT AND PASSED.

9.2 Petitions

9.2.1 Councillor Smith

Councillor Smith submitted a petition with 39 signatures from residents of South Ridge Circle, Dartmouth, requesting that strategies be implemented to reduce speed on their cul-de-sac such as: Caution - Children Playing signs, speed bumps or speed grumble tracks to slow traffic.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Request for Proposal 09-049 - Fireworks and Pyrotechnic Services, HRM Civic Events

- A report dated May 25, 2009 was before Council.

MOVED BY Councillor McCluskey, seconded by Councillor Nicoll, that Regional Council award RFP #09-049, Fireworks & Pyrotechnic Services, HRM Civic Events to the highest scoring proponents, Fireworks FX at a total cost of \$114,806.19 (net HST included) with funding from Operating Account C760 Civic Events as outlined in the budget implications section of the report dated May 25, 2009. MOTION PUT AND PASSED.

10.1.2 Purchase of HASTUS Modules, Sole Source

- A report dated June 3, 2009 was before Council.

MOVED BY Councillor Karsten, seconded by Councillor Smith, that Regional Council:

1. **Allocate \$206,050, from Capital Account No. CB200427 - Satellite Garage Facility to Capital Account No. CIU00875 - Scheduling Software Upgrades, and;**
2. **Approve in accordance with the Sole Source Policy (Administrative Order 35, Section 7 (8), a sole-source award to GIRO Inc. for the purchase of the 2009 Upgrade and the Daily Vehicle, Daily Crew, Roster Optimize and Minibus modules of HASTUS. The cost of the award is a maximum of \$1,216,050 including net HST with funding from Capital Account No. CIV00875 - Scheduling Software Upgrades, as outlined in the Budget Implications of the report dated June 3, 2009.**

MOTION PUT AND PASSED.

10.1.3 Sole Source Lease for Neopost Folder Inserter

- A report dated April 3, 2009 was before Council.

MOVED BY Councillor Younger, seconded by Councillor Walker, that in accordance with the Sole Source Policy (Administrative Order 35, Section 7(8), Regional Council award the Sole Source Lease for a Neopost DS86 Folder/Inserter to Neopost Leasing Services Canada Ltd. for a period of five (5) years for a total lease cost of \$82,840.42 (net HST included) with funding from Operating Account A124-6203 as outlined in the Budget Implications section of the report dated April 3, 2009.

MOTION PUT AND PASSED.

10.1.4 Margeson Drive Cost Sharing Agreement

- A report dated June 2, 2009 was before Council.

MOVED BY Councillor Johns, seconded by Councillor Lund, that Regional Council authorize the Mayor and Clerk to sign an agreement with the Province of Nova Scotia to share the cost of constructing an interchange on Highway 101 at Margeson Drive as noted in the report dated June 2, 2009. MOTION PUT AND PASSED.

10.1.5 St. George's Lane, Dartmouth

- A report dated June 3, 2009 was before Council.

MOVED BY Councillor McCluskey, seconded by Councillor Karsten, that Halifax Regional Council deviate from the current policy and move forward with the process to make St. George's Lane a one-way south bound street with left and right turns restricted from Pleasant Street to St. George's Lane on a full time basis.

Councillor Hum expressed concern that deviating from the current policy would result in an increase in requests for one-way street designations. She noted that residents in her district had requested one-way street status for Skylark and she would now have to advise them that they could reconsider that request.

Councillor Younger, in response to Councillor Hum's concern, noted that St. George's Lane was a very narrow lane and that there would only be a small number of streets that would be that narrow. Each request would be brought before Council for review.

Councillor Barkhouse noted that St. George's Lane was not paved, only chipsealed, and the underlying factor was that it was not just a residential lane, there was a tennis club located there.

MOTION PUT AND PASSED.

10.1.6 Amendment to Administrative Order 45 Respecting Private Road Maintenance - Road Maintenance Fee for Three Brooks Homeowners' Association

- A report dated May 29, 2009 was before Council.

MOVED BY Councillor Rankin, seconded by Deputy Mayor Hendsbee, that Halifax Regional Council approve in principle the proposed amendment to Administrative Order 45 attached to the May 29, 2009 staff report. MOTION PUT AND PASSED.

10.1.7 First Reading Proposed By-Law L-131, An Amendment to By-Law L-100, Respecting Charges for Local Improvements - Clearwater Drive Bridge (Private Road) - Timberlea

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

MOVED BY Councillor Rankin, seconded by Councillor Lund, that Halifax Regional Council approve First Reading of By-Law L-131, Respecting Local Improvement Charges - Clearwater Drive Bridge (Private Road), Timberlea as shown in Attachment "A" fo the May 22, 2009 staff report. MOTION PUT AND PASSED.

10.2 GRANT COMMITTEE

10.2.1 HRM Community Grants Program 2009-2010: Recommended Awards

- A staff report dated May 29, 2009 was before Council.
- A Grants Committee report dated June 8, 2009 was before Council.

MOVED BY Councillor Walker, seconded by Councillor Lund, that Halifax Regional Council approve the HRM Community Grants Program awards as detailed in the Discussion section of the report dated May 29, 2009 for the total of 69 grants with a combined value of \$464,011 from operating account M311-8004.

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

MOVED by Councillor McCluskey, seconded by Councillor Smith that Halifax Regional Council refer the entire report back to the Grants Committee for consideration of an increase to the grant awards for those groups that provide service/programs for children.

Councillor McCluskey explained that she does not understand how the funding amounts were determined. She noted the Riverlake Rugby Football Club (Item 10, page 7 of the report) had requested a grant of \$3,351 and received \$1,500 while the YMCA of Greater Halifax/Dartmouth (Item 38, page 14 of the report) had requested \$17,226.70 and received \$17,000. When there are children involved, especially for those who cannot afford to belong to clubs, those groups should receive the funds. Neptune Theatre was given \$20,000.

Councillor Smith noted that he would prefer to have a few specific grants referred back to the Committee rather than the entire report.

Councillor Johns noted that it would not be productive to refer the entire report. The Councillor requesting the reconsiderations would be required to attend the next Grants Committee meeting to justify their concerns. There were sixty-nine (69) proposed grants with community groups anticipating funding; referring the entire report would delay that funding. The Committee has already done extensive review of these grants. Referring a few specific grants back to the Committee may have merit.

Councillor Walker commented that the Grants Committee spent a lot of time reviewing the requests prior to making their decisions and that they had guidelines to follow. The Grants Budget had not been increased during the recent budget deliberations and a shortfall of \$200,000 was still being dealt with.

Councillor Streach entered the meeting at 4:28 p.m.

Councillor Dalrymple advised that although he supports youth, he was not in support of the motion as most of the 69 groups supported youth in some manner. There are built-in provisions in minor sports that children who could not afford to register would be registered for free. There are provincial sports programs as well that register children for free if they are unable to pay. The grants outlined in the report were more along the line of supplying capital equipment.

Councillor Uteck commented that she was not in support of the motion as the Provincial budget was extremely late this year with funds being held due to the recent Provincial Election and groups are waiting for funding.

Councillor McCluskey, referencing the April 2008 *Violence and Public Safety in the Halifax Regional Municipality* report, explained that when children cannot afford to belong to something they find their own thing to belong to which may not be good.

Councillor Blumenthal noted that Council had to move forward as groups were waiting for the funding. He suggested that Council review the possibility of a grant budget increase next year due to the economic situation.

MOTION TO REFER PUT AND DEFEATED.

Discussion ensued on the main motion as follows:

Councillor Smith expressed concern with the cost sharing for Co-ops (page 11 of the report) inquiring whether or not HRM should be assisting with those facilities if they were Provincially cared for facilities. He noted that he would raise this concern at the next Grants Committee meeting.

MOVED BY Councillor Johns, seconded by Councillor Adams that Item 24, Scouts Canada - Halifax Area - Waverley (page 10), be referred to the Grants Committee for consideration of an increase to the \$4,000.00 grant. MOTION PUT AND PASSED.

MOVED by Councillor McCluskey, seconded by Councillor Karsten that the Mic Mac Aquatic Club (Page 24, Recreation & Leisure) be referred back to the Grants Committee for consideration of a grant award.

Councillor McCluskey noted the World Canoe Championships would be held this year and the club building was in need of repair.

MOTION PUT AND PASSED.

MOVED BY Councillor McCluskey, seconded by Councillor Harvey that the Sack-A-Wa Canoe Club (Page 24, Recreation & Leisure) be referred back to the Grants Committee for consideration of a grant award.

In response to Councillor McCluskey, Ms. Temple explained that the application was for land clearance which would not have a high ranking priority. In the absence of details explaining why the land clearing was required, it was deemed to be for aesthetic purposes. A greening grant had been previously awarded to prevent wash off into the lake.

MOTION PUT AND PASSED.

Councillor Johns noted that it may be time to discuss the various grant programs with staff as groups appear to be receiving funding from more than one program.

Councillor Younger noted that in the approved policy for the Councillors District Fund, Grant Program and the Special Events Grant Program, groups were only supposed to receive funds from one fund yet many of the groups have also received District Funds from various Councillors.

In response to Councillor Karsten, Ms. Temple advised that the Grants Program criteria is reviewed and accepted by Regional Council through the Grants Committee and will be coming forward in the fall.

Deputy Mayor Hendsbee noted that his understanding was that the policy permitted utilization of the Councillors District Fund to top up other grants. He requested that if there were any remaining funds in the Grants Program that consideration be given to a collective approach to assist all the canoe/paddling clubs post the 2009 World Canoe Championships as the equipment/boats would be available as surplus equipment and the clubs may be able to obtain bargain prices on the equipment. There should be a strategy to address that opportunity.

Councillor Walker noted that each application was for a specific project so the same group may apply to a number of funds for various projects.

A vote was then taken on the main motion as follows:

MOVED BY Councillor Walker, seconded by Councillor Lund, that Halifax Regional Council approve the HRM Community Grants Program awards, with the exception of those referred back to the Grants Committee, as detailed in the Discussion section of the report dated May 29, 2009 for the total of 69 grants with a combined value of \$464,011 from operating account M311-8004. MOTION PUT AND PASSED.

Mayor Kelly advised that a previous amendment to the HRM by Design matter has been determined by staff to be a substantive amendment and would have to be reviewed by Council at this time.

MOVED BY Councillor Uteck, seconded by Councillor Sloane that Halifax Regional Council return to the HRM by Design Item 8.1. MOTION PUT AND PASSED.

8.1 HRM by Design

Mr. Andy Fillmore, Project Manager Urban Design Project, explained that Recommendation 12 of the motion to maintain existing maximum heights and definition of heights for Precinct

2, the Barrington Street Heritage Conservation District has been deemed to be a substantive amendment. In regard to the geographic area along Granville Street/Hollis Street, the previous motion would set an as-of-right height limit without the right of a Development Agreement.

Ms. Mary Ellen Donovan, Municipal Solicitor, explained that Recommendation 12 dealt with as-of-right buildings, however; there was a strip of properties on Hollis Street that were now subject to a Development Agreement, therefore; the previous motion was not in order. Staff have suggested that Recommendation #12 be reworked to remove inclusion of that strip of properties along Hollis Street so that they remain in the HRMbyDesign process.

Recommendation 12 of the motion was amended as follows: **MOVED BY Councillor Sloane, seconded by Councillor Blumenthal that Halifax Regional Council recommend that the existing LUB height regulation designation and existing definition of height be retained for those properties showing absolute maximum height noted on Map ZM17 in the Barrington South Conservation District with the remaining properties reverting to the HRM by Design proposal. MOTION PUT AND PASSED.**

The amended motion now reads as follows:

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

1. **Approve the proposed Downtown Halifax Secondary Municipal Planning Strategy, as contained in Attachment A-1 of the February 4, 2009 report, and as amended under Attachments A, B, C, E, F, G, H, J, M and P of the April 2, 2009 report, and as further amended under Attachment C of the report dated May 25, 2009.**
2. **Approve the proposed Downtown Halifax Land Use By-Law, as contained in Attachment A-2 of the February 4, 2009 report, and as amended under Attachments D, I, K and N of the April 2, 2009 report, and as further amended under Attachment D of the report dated May 25, 2009.**
3. **Approve the proposed Barrington Street Heritage Conservation District Revitalization Plan and By-Law, as contained in Attachment A-3 of the February 4, 2009 report.**
4. **Approve the proposed amendments to the Regional Municipal Planning Strategy as contained in Attachment B-1 of the February 4, 2009 report.**

5. Approve the proposed amendments to the Halifax Municipal Planning Strategy as contained in Attachment B-2 of the February 4, 2009 report.
6. Approve the proposed amendments to the Halifax Peninsula Land Use By-law as contained in Attachment B-3 of the February 4, 2009 report.
7. Approve the proposed amendments to the Heritage Property By-law (By-law H-200), as contained in Attachment B-4 of the February 4, 2009 report.
8. Approve the amendments to the Heritage Conservation District (Barrington Street) By-law as contained in Attachment E of the May 25, 2009 Supplementary Report.
9. Approve the proposed amendments to the Building By-law (By-law B-201) as contained in Attachment B-5 of the February 4, 2009 report.
10. Approve the proposed amendments to the Encroachment By-law (By-law E-200) as contained in Attachment B-6 of the February 4, 2009 report.
11. Appoint the Urban Design Task Force as the Plan monitoring body discussed in Section 8.6 of the proposed Downtown Halifax Secondary Municipal Planning Strategy for a period of two years or until Council decides otherwise.
12. That the existing LUB height regulation designation and existing definition of height be retained for those properties showing absolute maximum height noted on Map ZM17 in the Barrington South Conservation District with the remaining properties reverting to the HRM by Design proposal.
13. That the Clyde Street lands, when developed, have the street wall set at 50 feet and allow for a 10 foot setback and additional height.
14. That the membership on the Design Review Committee be increased to 12 to include three community representatives.
15. That the post bonus height for the Chedrawe property on Rainnie Drive be set at 60 feet.

MOTION PUT AND PASSED.

11. MOTIONS
- 11.1. Councillor Sloane

Councillor Sloane requested that this item be deferred to the June 23rd session of Council due to time constraints.

12. ADDED ITEMS

12.1 Information Report - Harbour Solutions

An Information Report dated June 11, 2009, Halifax Wastewater Treatment Facility - Forensic Investigation Update, was circulated to Council at this time for information purposes.

12.2 Fiscal Health

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

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

16. Define "Fiscal Health" for Halifax Regional Municipality as:

- a) **the ability to meet existing financial obligations, both in respect of its service commitments to the public and financial commitments to creditors, employees and others and;**
- b) **the ability to continue to meet the ends of HRM's citizens in the future by maintaining or enhancing the level and quality of services and programs and to finance new programs, and;**
- c) **the ability to support HRM's goals contained in the Regional Plan**

2. Approve that Fiscal Health be measured by the key indicators included in the discussion section of the May 28, 2009 report in order of priority as listed.

MOTION PUT AND PASSED.

13. NOTICES OF MOTION

13.1 Deputy Mayor Hendsbee

"Take notice that at the next regular meeting of the Halifax Regional Council to be held on June 23, 2009, I intend to introduce a motion to request amendments to HRM By-Law A-300 that will enable a Committee of Regional Council to have authority to hear cases,

appeals and judicate matters related to animal control complaints in accordance to HRM Municipal Charter Section 188 - Subsection (2)(8)."

13.2 Councillor Outhit

"Take notice that, at the next regular Regional Council meeting, to be held on Tuesday, the 23rd day of June, 2009, I propose to move First Reading of Administrative Order # 35 (The Procurement Policy), the Purpose of which is to amend various sections of the Administrative Order."

13.3 Councillor Rankin

"Take notice that, at the next regular Regional Council meeting to be held on Tuesday, the 23rd day of June, 2009, I intend to move approval of an amendment to Administrative Order 45, Respecting Private Road Maintenance, to add Schedule 2 to permit the implementation of a Private Road Maintenance Fee in the Three Brooks Sub-Division in Hubley."

Council recessed at 4:54 p.m.

Council reconvened at 6:00 p.m.

SPECIAL PRESENTATION - CITIZENSHIP AWARDS

On behalf of HRM, Mayor Kelly, and Council members, Deputy Mayor Hendsbee welcomed those in attendance to the annual Citizenship Awards presentation. He advised that the students who were receiving the awards had been chosen by their teachers and principals based on the criteria that they exemplified motivated, caring, achieving, and giving individuals who were role models for others. The recipients, being good role models at school who also give back to their community, will continue to exemplify that spirit in the future throughout HRM. He expressed his congratulations to the forty-eight students receiving the 2009 Citizenship Award.

Deputy Mayor Hendsbee assumed the Chair, and the Mayor and Councillors presented the awards to the following:

Kendra-Lee Hood, Musquodoboit Rural High School
Alexandrea Hire, Oyster Pond Academy
Alexandra Jewers, Duncan MacMillan High School
Brianna Perrier, Harold T. Barrett Jr. High School
Kaylee Stephens-Clark, Lockview High School
Meredith Ivany, George P. Vanier Junior High School
Robert Materi, Gaetz Brook Junior High School
Natalie Horne, Ross Road School
Gina Lamont, Graham Creighton Junior High School

Marissa West, Astral Drive Junior High School
Lydia Broderick, Bicentennial School
Charise Delaney, Prince Arthur Junior High School
Nick Field, Caledonai Junior High School
Stephanie Webber, Ellenvale Junior High School
Celina Campbell, Eric Graves Memorial Junior High School
Shelby MacDougall, Sir Robert Borden Junior High School
Savannah Dewolfe, Eastern Passage Education Centre
Dequan LePage, John Martin Junior High School
Alessandro LoPresti, Park West School
Jillian Steele, Sacred Heart School of Halifax
Richard Patrick, Fountain Academy of the Sacred Heart
Brittany Ellis, St. Agnes Junior High School
Shawn Nicholson, Highland Park Junior High School
Morgan Crawley, St. Patrick's - Alexandra School
Lauren Lumsden, Gorsebrook Junior High School
Mattea Cacchione, Ambrea Academy
Jacob Arichibald-Faloon, Oxford School
Ellen Greenan, Cornwallis Junior High School
Emily Coolen, Shambhala School
Rita-Clare Leblanc, Fairview Junior High School
Kendra Beck, Clayton Park Junior High School
Emilee Beauchamp, Cunard Junior High School
Anna Godfrey, Elizabeth Sutherland School
Jacquelyn Brokken, Herring Cove Junior High School
Mark Koroma, Rockingstone Heights School
Emily Coles, Sackville Heights Junior High School
Michelle Brake, Leslie Thomas Junior High School
Christy Knox, Cavalier Drive Junior High
Ben Hoskins, A.J. Smeltzer Junior High School
Leah Khoury, Bedford South Junior High School
Sarrah Ali, Bedford Junior High School
Leah Strople, Ridgecliff Middle School
Nicola Burke, Kings View Academy
Rachael Laura Tucker, Brookside Junior High School
Allison Taylor, Five Bridges Junior High School
Alexandria Fenez, Madeline Symonds School

Olivia Christena Taylor, Halifax Christian Academy was not able to be in attendance.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor McCluskey expressed congratulations to the twenty paddlers (ten kayakers and

ten canoeists) who have been chosen as members of the 2011 Canada Games team. She noted that the team brought home twenty-seven medals from the last Canada Games.

Councillor Nicoll extended congratulations to the Pittsburgh Penguins and Sidney Crosby on their Stanley Cup win. She noted that there was a Committee in place making celebratory plans.

Councillor Harvey acknowledged the passing of Mr. George Wickens Atwood, one of Sackville's most distinguished and prominent citizens. He was a community builder and leader, a charter member of the Fire Department and Second Chief in 1955, and was a past recipient of the Sackville Volunteer of the Year award. Mr. Atwood was laid to rest at the Oak Ridge Cemetery. The Councillor requested a letter of condolence be sent to the Atwood family.

Councillor Sloane advised that the Community Garden at Marie Warrington Park, Brunswick Street, will open on Thursday, June 24th at 4:00 p.m. Produce from the garden is used to make Salsa which is then sold to the neighbourhood. This has been made possible with the help of the North End Community Clinic and Jessie Jollimore.

Councillor Outhit advised that on Monday, June 22nd a meeting would be held at the Basinview School Cafeteria in conjunction with Public Health to provide information on ticks and Lyme disease. He urged all residents, especially those in the Eaglewood and Shore Drive area, to attend.

Councillor Dalrymple expressed his appreciation to the Monarch Rivendale Homeowners Association Executive for the recent Public Information Meeting they organized regarding water services in the area that was attended by 158 residents. He noted that on Wednesday, June 23rd, at 7:00 p.m. at the Beaver Bank Kinsac Community Centre the Annual General Meeting, he encouraged residents to attend. The Councillor expressed his appreciation to the outgoing Chair, Mr. Fred Gallop.

Councillor Barkhouse advised that a Bike Rodeo would be held at the Tallahassee Community School, Eastern Passage, on Saturday, June 20th. She advised that the event will promote bike safety.

Councillor Karsten announced Council Younger's recent win in the Provincial Election, advising that this would be Councillor Younger's last Regional Council meeting. On behalf of Council, and the constituents of District 6, he expressed appreciation to Councillor Younger for his service to Council and the Community over the last four and a half years.

Councillor Younger recognized Councillors Streach, Smith, and Hum who also ran in the election noting that they were worthy candidates who added to the election debate. He commented that it was a shame that Regional Council was not recognized more for their good work and achievements. He thanked his colleagues on Council and staff for all that

he has learned during his time on Council. He expressed special thanks to Ms. Susan During, Council Assistant to him for his entire time on Council, and to all the Councillors Support Office staff.

Councillor Hum advised that an *Imagine Our Schools* meeting would be held in Halifax West High School on Thursday, June 18th at 6:00 p.m. at which time the Consultants would be presenting their recommendations. Also on Thursday, June 18th at 7:00 p.m., Consultants will be presenting the three preferred options for the Birch Cove Design Study, part of the Bedford Basin Western Shore Land Use Study, in St. Peter's Church Hall located at the corner of the Bedford Highway/Kearney Lake Road/Dakin Drive.

Councillor Uteck advised that a public meeting would be held on, Monday, June 22nd at 5:30 p.m. in the St. Mary's Boat Club in regard to the European Fire Ant. Dr. Andrew Hebda, Nova Scotia Museum of Natural History, would be in attendance to provide tips on how to contain the European Fire Ants. She requested that any residents who had specimens of the ants, to bring them in a jar to the meeting for mapping purposes.

Councillor Watts announced that a meeting would be held at 7:30 p.m. on Monday, June 22nd at the end of Yale Street in regard to barriers that had been destroyed at the end of Yale and Yukon Streets. Staff would also be in attendance.

Councillor Nicoll noted that the Westphal Cole Harbour Volunteer Fire Fighters Association would be holding its annual Ladder-a-thon all weekend in support of Muscular Dystrophy.

Councillor Lund extended appreciation to the people of St. Margaret's Bay, Hubley and Hammonds Plains Road for a successful Relay for Life event held a few weekend past in which \$72,000.00 was raised. He advised that the Kingswood Homeowners Association would be holding their Annual General Meeting at the Presbyterian Church on Thursday, June 18th at 7:00 p.m. On Saturday, June 20th, the Hubbards Area Business Association would be hosting a Fund-raising Casino Night.

14. ADJOURNMENT

The meeting was adjourned at 6:50 p.m.

Julia Horncastle
Acting Municipal Clerk

INFORMATION ITEMS - June 16, 2009

1. Proclamation - Amateur Radio Week - June 22 - 28, 2009
2. Memorandum from Acting Director, Community Development dated May 25, 2009
re: The Halifax Town Crier
3. Memorandum from Director, Finance dated May 26, 2009 re: Award of Contracts - CAO
Approval, Interim Award Policy
4. Memorandum from Director, Legal Services & Risk Management dated June 3, 2009
re: Status of By-Law Prosecutions - October 1 - 31, 2008
5. Memorandum from Director, Finance dated June 10, 2009 re: 2009 Operating and
Capital Report
6. Memorandum from Director, Transportation & Public Works dated June 11, 2009
re: Sambro Rural Transit Pilot
7. Memorandum from the Acting Municipal Clerk dated June 12, 2009
re: Requests for Presentation to Council - Alderney Landing and Peace Jam 2009 Event