

HALIFAX REGIONAL COUNCIL
MINUTES
June 10, 2008

PRESENT:

Mayor Peter Kelly
Deputy Mayor Stephen Adams
Councillors: Steve Streach
Krista Snow
David Hendsbee
Harry McInroy
Gloria McCluskey
Andrew Younger
Bill Karsten
Jackie Barkhouse
Jim Smith
Mary Wile
Patrick Murphy
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Debbie Hum
Linda Mosher
Brad Johns
Robert Harvey
Tim Outhit
Reg Rankin
Gary Meade

STAFF:

Mr. Dan English, Chief Administrative Officer
Mr. Wayne Anstey, Deputy 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 11:10 a.m., with the Invocation being led by Councillor McCluskey.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor McCluskey expressed condolences to the family of Mr. Jamie Heatherington on behalf of Council and the Mayor. Mr. Heatherington was employed with the Halifax Regional Police and was the son of former Councillor Bruce Heatherington. Council observed a minute of silence in Mr. Heatherington's memory.

Councillor McCluskey issued congratulations to the paddlers from HRM on their success in Ontario. The team is now off to competitions in Germany and Poland.

Councillor McNroy expressed his gratitude to the organizations, staff and volunteers that worked to make the broadcasting of the Stanley Cup Playoffs at Cole Harbour Place possible. He expressed congratulations to the Pittsburgh Penguins and Mr. Sidney Crosby in their spirited run for the Stanley Cup.

Councillor Sloane congratulated the Walmart Walk for Miracles on a successful event, approximately 700 people walked on the Waterfront benefitting the IWK. The Councillor also welcomed the Clipper crews to Halifax. The Clippers are currently at the Halifax Waterfront.

Councillor Murphy expressed appreciation to Mr. Fred Connors and the Bloomfield area residents and the Royal Bank during the community cleanup. Congratulations to the St. Stevens Playground Committee on receipt of a tender.

Councillor Johns thanked the participants in Sackville for the Sackville Community events and the Millwood Commons cleanup. Residents are pleased with the Lively Service project, the Councillor expressed his appreciation to HRM staff, noting Mr. Darrell Shahey, and the Contractor for their work on the project. Chilliwack and Haywire will be playing at the Weir field on August 23rd. Tickets are now on sale.

Councillor Mosher attended Arbor Day at Ecole Chebucto Heights, she as well as Mayor Kelly were in attendance. Councillor Mosher extends her thanks to Mr. Constantino Liolas, Mr. John Simmons, and public works staff for their contributions to the event. The Councillor expressed her gratitude to the Grade Three and Grade Four students, teachers and Principal, Mr. Paul Mason, of Ecole Chebucto Heights.

Councillor Snow expressed her appreciation to MLA Barry Barnett and NS Health and Promotion for the receipt of grants for \$100,000 to the LWF skateboard park project, \$30,000 for Holland Road Elementary and \$30,000 for playgrounds.

Councillor Smith noted a special meeting of the Dartmouth North Board on Thursday, June 18th at 7:00 p.m. presenting information to the public on the Community Centre lease agreement with HRM.

Councillor Barkhouse thanked residents for their efforts during the cleanup of Caldwell Road, Shore Road, and the Hartlen Road area, the McNab's Island cleanup and those who came out for Oceans Day. The Community Garden will be holding a celebration on Saturday, June 14th with food, music and games.

Councillor Hendsbee advised that on June 14, 2008, the Nova Scotia Black Cultural Centre will be celebrating its Silver (25th) anniversary with a dinner and gala at the Ramada Inn.

Councillor Hum advised that on Monday, June 16th, at St. Peters Church, there will be a meeting regarding a review of the off leash pilot project.

3. APPROVAL OF MINUTES - May 27, 2008

MOVED BY Councillor McCluskey, seconded by Councillor Sloane, that the minutes of May 27, 2008, as presented, be approved. MOTION PUT AND PASSED.

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

Additions:

- 13.1 Councillor Snow - Request for Report re: Municipal Planning Strategy Amendments re: Increased Density for Alternate Housing Forms
- 13.2 Legal Matter - Settlement of Claim
- 13.3 Citizen Appointments to Boards/Committees and Commissions

Move: Item 11.7.2 to be dealt with immediately following completion of Item 11. Request that Item 11.1.13 be dealt with prior to the noon recess.

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

5. BUSINESS ARISING OUT OF THE MINUTES - NONE

6. MOTIONS OF RECONSIDERATION - NONE

7. **MOTIONS OF RESCISSION - NONE**

8. **CONSIDERATION OF DEFERRED BUSINESS**

8.1 **By-Law T-138, An Amendment to By-Law T-108, Respecting Regulations of Taxis and Limousines (Supplementary Report)**

Item deferred due to time constraints.

9. **PUBLIC HEARINGS**

9.1 **By-Law S-425, An Amendment to By-Law S-400, Respecting Charges for Street Improvements**

- A report dated April 18, 2008 was before Council.

Mr. Dave Hubley, Design and Construction Services, presented the report to Council.

Mayor Kelly advised of the guidelines for public hearings. Mayor Kelly then opened the public hearing calling for any speakers for or against the proposal.

Ms. Katie Campbell, Halifax, inquired if this report will relate to tax reform. She was advised that this does not relate, as it a completely different element.

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

MOVED BY Councillor Johns, seconded by Councillor McCluskey that the Public Hearing be closed. MOTION PUT AND PASSED.

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

1. **Approve the new Local Improvement rates as per the attached Appendix "A" in the staff report dated April 18, 2008,**
2. **Approve the adoption of By-Law S-425, Respecting Charges for Street Improvements, attached to the report dated April 18, 2008; and,**

3. Apply the new rates to all applicable 2007/08 Local Improvement Capital Projects.

Councillor Johns requested that the appendix and rates of this and last year be forwarded to him.

MOTION PUT AND PASSED.

9.2 Case 01046 - Municipal Planning Strategy & Land Use By-Law Amendments and Development Agreement, South Park Street and Brenton Place

- A staff report dated April 21, 2008 was before Council.

Mr. Luc Oulette, Planner, presented the report to Council.

In response to a question by Councillor Sloane, staff advised that the building setback is twenty feet. Also, there will be some shadowing impact during the early morning, and during the summer months, in the late evening on sunlight times.

In response to a question by Councillor Murphy, staff advised that the Developer will be paying for the visual public art. In response to a query by Councillor Murphy, staff advised that condos are currently being proposed for the site. The Councillor questioned how many parking spaces would be on site. Staff replied that a minimum of 80 parking spaces will be made available.

In response to a question by Councillor Uteck, staff advised that air turbulence testing has been done, and retesting will be done during development. Staff advised in response to the Councillor's question regarding street poles, that underground wiring will be present.

In response to queries by Councillor Smith, staff added that the building has two rooftops, balcony space and some private space, which fulfills amenity requirements.

Councillor Hendsbee requested confirmation that the communication and power lines will be placed underground, staff confirmed the same. The street lights are still to be negotiated. Staff advised that current, mature trees will be maintained, with additional trees being added. The Councillor stressed the importance of flood mitigation and that this needs to be discussed, as the area can be prone to flooding.

Councillor Uteck requested staff to confirm height requirements. Staff replied that as-of-right is forty feet. Any height over the forty foot height in the downtown will go through a development agreement, which is part of this proposal.

Councillor Sloane presented a petition from residents containing ninety (90) names requesting that Regional Council refuse the application for a high-rise apartment building on South Park Street, north of Brenton Place.

Mayor Kelly advised of the guidelines for public hearings. Mayor Kelly then opened the public hearing calling for any speakers for or against the proposal.

Mr. D. Blouin, Halifax,, expressed concern that the plan does not meet landscape and open space requirements. He added that there will be an increase in wind load and solar loss, and will make Brenton Street a wind canyon. The development will take the grace out of Schmidville. When it comes to energy costs and climate changes, high-rises are far more expensive to maintain and less sustainable. He also expressed concern as he added that the three historic buildings will be demolished.

Mr. Patrick Leroy, Halifax, noted that there is a population increase of 75,000 in Halifax with a population decrease in the downtown. Minority interests are unwelcoming to developers. Urban sprawl is causing increased traffic. He advised that this development is good for the area. Visual, wind and shadows have been mitigated by the building design. The Developer has offered to relocate the three non-heritage buildings at his cost. Mr. Leroy closed by adding that cities that evolve must grow for progress and requests that Council approve the amendments and the development agreement.

Ms. Beverley Miller, Halifax, advised that the building is four and a half times over allowable height at present. It does not meet lot coverage requirements, angle control and open space requirements. This is unacceptable. Staff have ignored the strengthening of the Schmidville neighbourhood. The staff report is wrong stating that the urban environment has changed. The Developer proposes this will create density, Ms. Miller added, smaller developments would add density as well. She raised concern that management and mitigation have not been defined. In regard to the opinion that Halifax is being hostile to developers, it is noted that in Nova Scotia it is very difficult to launch an appeal to the Utilities and Review Board.

Mr. Anthony Metlej, Halifax, noted that he attended the last public hearing. He added that he is proud of our professionals that have designed this building. In light of an increased consumption of fossil fuels, it is important to live and work and have amenities in the area, close to hospitals and universities, as this is consistent with a quality of life. Blocking developments prevents people from moving in. People need to be more flexible in permitting development. This development is an asset, and this will be a landmark building.

Mr. Philip Arab, Halifax, advised that the development is great for the area and for business. It will develop a more modern streetscape.

Ms. Janet Shotwell, Halifax, advised that we cannot be cavalier about the wind and sunlight. Some areas will lose sunlight by two hours a day. She added concern about the lack of open

space being proposed. A high-rise will have an impact on the enjoyment of Victoria Park. Ms. Shotwell also raised concerns about development proposals requesting the maximum height, a midrange height should be requested by developers.

Mr. Elias Metlej, Halifax, advised that he works with first time buyers. He noted that many young couples can occupy a condo. More people need to settle in the downtown, this development will provide affordable housing to first time buyers.

Mr. David Metlej, Halifax, stated that this generation needs to leave architectural feats as well. His generation needs to make a mark. He added that the area is decaying and he supports the project.

Mr. Joseph Abihanna, Halifax, advised that the voice of youth needs to be heard. Youth will be living in Halifax in the future. He encouraged Council to look at the best interest of Halifax, not a small segment of the area.

Ms. Elizabeth Pacey, Halifax, provided information on the history of Schmidville and its historical architecture. Schmidville dates back to the late 1700s, early 1800s. She added that Schmidville is an important area, with double housing historic to Halifax. The wrap card of Schmidville has been distributed, the card was generated due to the importance of Schmidville. This proposed development will destroy Schmidville. She added that the maximum height is forty five feet in the neighbourhood to protect smaller buildings. The development would devastate the neighbourhood.

Mr. Jonathan Lampier, Dartmouth, stated that he attended the School of Planning at Dalhousie. He stated that this building is good for the City, it has setbacks and has an interesting design. This would be an asset to the City. He added that in his studies, buildings in the downtown are good for the environment enabling residents the ability to walk to amenities and to live without a car. Halifax needs good architecture, currently there is low architectural value in the City.

Ms. Ruth Goldbloom, Halifax, stated that this building is a tremendous advance for the City. It will make the area more viable. The three buildings on the site have not received designated heritage. These buildings will be moved if someone wants them. HRM does not have alot of art in this city, Ms. Goldbloom added that she is thrilled to see that a piece of art is part of the project. She supports the development one hundred percent.

Mr. Lyndon Watkins, Halifax, added that the Municipality did a great honour in preparing the wrap card. He added that he worked to continue the survival of Schmidville. The area is a tourist destination. This development is detrimental to living in the City. Halifax is different from much of North America, as it is by the sea and proud of its past. He urged Council not to throw this out. This development will negatively impact the environment. Mr. Watkins advised that the Developer could work within four stories, Council has a moral right to support

four stories in the area. He does not want these intrusive developments in this area of Canada.

Mr. Larry Hughes, Halifax, Professor Dalhousie University, expressed concern regarding how buildings will be heated in the future. Energy costs are increasing and continue to rise. Natural gas reserves are in decline. Most of Nova Scotia's electricity is generated by coal. Solar energy is an energy of the future, but in order for solar heat to be effective, a building can be no higher than four or five stories. Building heights need to be restricted in order to maximize solar energy.

Ms. Jill Shcollberg, Halifax, urged Council to refuse this amendment and not approve the development. She added that she is not against a high-rise, but a more suitable location is around Kempt Road or Young Street. This development requires huge accommodations, such as height limits and angle controls. She advised that wind effects and shadowing are very unpleasant in this area. Just a few demolitions in any area could lead to a large development in any part of HRM. She added that Schmidville is a very historic and important area in Halifax. The area is also a very important tourist destination; it needs to be protected.

Mr. Paul McCulloch, Halifax, urged Council think about Ms. Beverley Miller's comments. Mr. McCulloch noted that a similar building was developed on Spidina Avenue in Toronto forty-one years ago and it is now a shabby building. He questioned whether this development was for the common good.

Mr. Phil Pacey, Halifax, Heritage Trust of Nova Scotia, asked Council to reject the application. Mr. Pacey noted that there are many heritage buildings in the area. He showed a picture of some homes in the area, noting their historic merit. Twenty years ago, the area was zoned at a forty-five foot absolute height restriction. He added that height limits are used in almost all cities. As noted two years ago, S-38 regarding neighbourhood stability in the Regional Planning Strategy was an important step. The proposed building would not meet standards for open space, population density, stepbacks and angle controls which protect sunlights and skyview. The wind studies that have been done were not done with the proposed building in place. Mr. Pacey added that neighbourhoods are protected by height restrictions and these proposed changes set a dangerous precedent. In closing, Mr. Pacey noted that stable neighbourhoods must be predictable.

Mr. Peter Selinger, Halifax, lives in the Schmidville neighbourhood. This is a unique neighbourhood, an architectural gem. He has invested in the neighbourhood by buying and restoring his house. This is an up and coming neighbourhood with professionals in the area. He added that condos can be more expensive. The proposed building will take away sunlight. This building will not create much density with a few people on each of the floors. He stated that by-laws exist to protect investments. If he realized that these buildings might be built he may have decided not to invest in the neighbourhood. He added that he is not against tall

buildings, adding that a building of this size does not belong in this area. He urged Council to reject the application.

Mr. Jim MacFadzean, Halifax, noted he has recently moved from Toronto. He stated that Halifax is a handsome city. Schmidville needs to be maintained and enhanced. Halifax should be able to accommodate both visions, a designated area, such as Schmidville, and the development.

Mr. Richard Goldbloom, Halifax, stated that there is a need to look at aesthetics of the buildings in Halifax. It is refreshing to see an attractive design, noting it as a valuable addition to Halifax. He added that artwork is a good idea for the structure. This could set a precedent to future developments. This development is a very valuable addition to the area.

Ms. Murielle Trembley, Halifax, advised that Halifax is attractive by mixing the past and future. There is a sense of continuity, a sense of belonging. Ms. Trembley stated that she grew up in city in France that was destroyed by developers approximately 30 years ago. Her city lost its sense of community. One development led to more development. A city needs a sense of community. She urged Council to make a difference and keep a sense of identity. Bigger is not always better. Too much development can break the harmony of a community.

Mr. Rick Grant, Halifax, Vice President of the Scots, North British Society, advised that they are investors in Victoria Park. He wants to make sure that Victoria Park remains a viable park, and is concerned as to how this development will affect the park. The goal is to make the park more usable. He added that one way to prevent shadowing is if the parking lot becomes an extension of Victoria Park. Mr. Grant stated he is pleased to see that artwork is part of the development, but it would have been nice if the Developer included the Scots to participate in the artwork plan, as it is so close to Victoria Park. Mr. Grant urged that his concerns be considered.

Mr. Peter McCurdy, Halifax, advised Council that many houses in Schmidville are over 200 years old. It has been said that once sunlight is given away, you do not get it back. He advised that he has concerns about the height, width, wind and shadows on the site. He expressed concern as to why the three homes on the property were not designated heritage properties.

Mr. Brian Molloy, Halifax, advised that he owns five properties on Dresden Row and Lawrence Street and this is not beneficial to him or his residents. He added that he is against the development, adding concern that the Developer will profit at the expense of the neighbourhood.

Ms. Tammy Hackett, Halifax, added that Halifax is a beautiful city. Development is needed although building height is not the answer, the answer is classy developments. As a runner,

Ms. Hackett advised that you cannot discount wind or sun in the city. She advised that heritage does need to be protected.

Mr. Peter Kontack, Halifax, stated that he believed that this was a good development in the beginning. He now states that this development cannot go forward. He raised concerns about Schmidville and its history. Schmidville could be lost. The three buildings on the property were bought as a speculation property and have deteriorated due to the lack of maintenance for this reason. Mr. Kontack added his concern over the planned closure of St. Mary's School. The school and Schmidville anchor the community. He added that it is a beautiful development, but it is the wrong location.

Ms. Marsha Parker, Halifax, stated that this building heralds a new era. She questioned whether this building is sustainable and the right building for the location. She added that this is one property owner building at the expense of the neighbourhood. She added that there is public concern about setting precedents. This development does not abide by existing limitations, it ignores heights, angle, density, and the reduction in open space. The concern is just how well does building respect the neighbourhood.

Mr. Douglas Choo, Halifax, noted that it is exciting that everyone who spoke cares about the city. He added that he graduated from architectural school, and out of sixty graduates only three stayed in Halifax. Young professionals often leave Halifax. He sees this building as progress and a step in the right direction. Density needs to increase, and this would be beneficial to HRM by fewer cars travelling to the core, development of the downtown also saves trees in the outskirts. He added that he supports the proposal.

Mr. Ernie Brennan, Ketch Harbour, advised that he has a degree in Planning. He stated that there are a lot of people passionate about the City. The Municipal Government Act was not set up with the intention of amending Municipal Planning Strategies. He urged Council to stand up and stop amending planning strategies. Developers do good work in the City, he urged staff, Council and developers to work within the regulations as set out by Council.

Mr. Sam Austin, Halifax, noted that HRM needs to let development occur. This is a good project and an attractive building. He commended staff for flexibility in an urban setting. He added that the three buildings currently on site should be relocated. This type of development will give younger people an opportunity to own their own place.

Mr. Cesar Saleh, Engineer and Consultant, addressed Council on behalf of Mr. Fares of the WM Fares Group, making the following comments:

- the building is adjacent to a twenty foot sidewalk
- the wind survey indicates no change between May-October; in November-April, decrease in two locations, no change of comfort level when it comes to wind
- improvement in safety locations in area, from eleven to eight
- no impact to Schmidville when it comes to wind

- trees and landscaping will be enhanced
- the building has minimal shadow during peak time of public use, bordered by Dresden Row, the shadow analysis in summer has incremental impact on three of one hundred and twelve properties
- height was reviewed by HRM staff and deemed to meet standards
- the building meets function and form
- mitigated concerns with studies on wind, shadow, and traffic
- the three current buildings on site can be moved, with the Developer paying the costs as would be paid for demolition
- the Developer has met and worked with members of HRM by Design.

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

MOVED BY Deputy Mayor Adams, seconded by Councillor McCluskey that the Public Hearing be closed. MOTION PUT AND PASSED.

After the public hearing the Councillors brought forward the following questions:

Councillor Hendsbee urged the Developer to consider the request from the Scots in regard to the artwork. He inquired what measures are being taken to find owners for the current buildings on the site, and what type of LEED standards are proposed. In response, it was advised the Developer is currently working with District 12 PAC to determine who could use the dwellings. Energy efficiency plans have not been finalized, they are in the beginning of the process, all energy systems will be explored.

Councillor Murphy inquired how the development will be heated. The Developer advised that they are currently looking at a thermal building. Councillor Murphy suggested the Developer should aggressively seek an interested party to save the buildings on site by placing an ad in the newspaper or in another manner. The Councillor commends the public artwork planned for the site.

Councillor Johns raised the issue of affordability. The Developer advised that the price range of the condos and/or marketability has not been finalized at this time.

MOVED BY Councillor Uteck, seconded by Councillor Fougere, that Halifax Regional Council approve the proposed amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-Law, as contained in Attachments “A” and “B” of the staff report dated March 28, 2008.

In response to a question by Councillor Uteck, Mr. Paul Dunphy, Director of Community Development, advised that forty-five feet is not the absolute height. As-of-right applications for Planning is forty-five feet. Once a proposal comes to Council, Council has the right to

change the height restriction, there are no absolutes. This would be done considering a number of factors, for example, development quality and if the plan is consistent with the community.

Councillor Uteck stated that she does not see the adverse affect to the Schmidville neighbourhood. Victoria Park is a valued, beautiful park in HRM and it is not threatened. The three current buildings on the property did not score as Heritage Property.

Councillor Younger noted that the most important aspect at this point is the MPS amendment. HRM by Design height limits had a lot of public consultations, the area of the development has a height of 215 feet, but the Councillor noted that the Schmidville area is protected in the height limits. The density is energy efficient. The three current buildings have already been issued permits for demolition.

Councillor Johns questioned staff if through a Development Agreement, HRM can ask for affordable housing. Staff advised that affordable housing cannot be requested. Staff advised that the Municipal Government Act does not permit that HRM regulate tenure, however, a section describes an approach to density bonusing. As HRM by Design comes forward, density bonusing will be addressed.

Councillor Sloane thanked all residents for their time this evening. Many of her residents have come forward and do not want to see the development in the area. She worked with the developer, but realizes that her residents do not support it, so she cannot support the project.

Councillor Fougere stated she supports the motion on the floor. The site being proposed is a derelict area. These were once beautiful homes, but for the past twenty-five years they have been rooming houses and a dirt parking lot. The development is a positive addition to the neighbourhood. The District 12 PAC voted to support the development. This is not in Schmidville, and she added that Schmidville needs to be preserved and will continue to thrive. She added that Victoria Park and land repatriation is part of the discussion of the future Common Plan.

Councillor Murphy thanked residents for their input this evening. The Councillor thanked Mr. Watkins and Mr. and Mrs. Pacey for their efforts and knowledge. He stated he will be voting for the project. The Hydrostone survived with development around it, and Schmidville will survive.

MOVED BY Councillor Karsten, seconded by Councillor Younger, that Council continue after 10:00 p.m. Council to finish this item and urgent items on the agenda. MOTION DEFEATED.

Councillor Mosher added that if Council does not approve this, HRM may as well close for business. She added her support for the development.

MOVED BY Councillor Mosher, seconded by Deputy Mayor Adams, that the question now be put. MOTION PUT AND PASSED.

MAIN MOTION PUT AND PASSED.

A **Recorded Vote** was taken. **MOTION PASSED.**

Members of Council voting **in favour** of the motion: Councillors Streach, Snow, Hendsbee, McCluskey, Younger, Karsten, Barkhouse, Wile, Murphy, Uteck, Fougere, Walker, Hum, Mosher, Deputy Mayor Adams, Johns, Harvey, Outhit, Rankin, Meade and Mayor Kelly. (21).

Members of Council voting **against** the motion: Councillor Sloane (1).

Members of Council vote not recorded, this notes a vote against the motion: Councillors McInroy, Smith (2)

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence

10.1.1 Maritime Forces Atlantic - Request for Fly-Past

Item deferred due to time constraints.

10.1.2 Halifax Dartmouth Canada Day Celebration - Request for Military Fly-Past

Item deferred due to time constraints.

10.2 Petitions - None

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Tender # 08-888 Supply & Deliver RIVA Software & Professional Services

- A staff report dated May 30, 2008 was before Council.

MOVED BY Councillor Murphy, seconded by Councillor Sloane that Regional Council award Tender #08-088, Supply and Deliver RIVA software and Professional Services,

to Riva Modelling Systems Inc. in the amount of \$305,632.69 (net HST included) with funding from Capital Account CID00631 - Asset Management, as outlined in the budget implications section of the staff report dated May 30, 2008. MOTION PUT AND PASSED.

11.1.2 Tender # 08-152 Captain Spry Community Centre, Phase 1

- A staff report dated May 25, 2008 was before Council.

MOVED BY Deputy Mayor Adams, seconded by Councillor Walker that Regional Council award Tender No.08-152 to G&M Developments Ltd. for a Tender Price of \$141,542.59 (net HST included) with funding from Capital Account No. - CFG00993 - Captain William Spry Retrofit as outlined in the Budget Implications section of the staff report dated May 25, 2008. MOTION PUT AND PASSED.

11.1.3 Tender 08-157 - St. Stephen Elementary School Play Equipment Supply and Install

- A staff report dated May 20, 2008 was before Council.

MOVED BY Councillor Murphy, seconded by Councillor McCluskey that Regional Council award Tender No. 08-157 to PlayPower LT Canada Inc. for a Total Tender Price of \$101,155.66 (net HST included) with funding from Capital Account Nos.CPX01024 - Playground Upgrades & Replacement and CCV00668 - District 11 Capital Funds, as outlined in the Budget Implications section of the staff report dated May 20, 2008. MOTION PUT AND PASSED.

11.1.4 Tender 08-163, Shubie Park Washroom Facility 54 Locks Road, Dartmouth, NS

- A staff report dated May 27, 2008 was before Council.

MOVED BY Councillor Younger, seconded by Councillor Sloane that Regional Council award Tender No. 08-163 to Gaudet Building Contractors Limited for a Total Tender Price of \$147,543.54 (net HST included) with funding from Capital Account No.'s CP300852, CPU00931, CPX01026 - Regional Park Washroom Facilities, as outlined in the Budget Implications section of the report dated May 27, 2008. MOTION PUT AND PASSED.

11.1.5 Tender 08-220, Paving, Sidewalk & Water Main Renewal, Lyle Street, Dartmouth - East Region

- A staff report dated May 22, 2008 was before Council

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

1. **Award Tender No. 08-220, Paving, Sidewalk & Water Main Renewal, Lyle Street, Dartmouth - East Region to Amber Contracting Limited for a Total Tender Price of \$329,793.71 (net HST included) with funding from Capital Account Nos. CYU00784 - Paving Renewal Program and CKU00783 - Sidewalk Renewals as outlined in the Budget Implications section of the staff report dated May 22, 2008;**
2. **Approve a budget increase of \$110,937 to Capital Account CYU00784 funded through cost sharing with the Halifax Regional Water Commission.**

MOTION PUT AND PASSED.

11.1.6 Tender 08-223, Traffic Signal Rehabilitation - Micmac at Glen Manor and Windmill at Wyse - East Region

- A staff report dated May 20, 2008 was before Council.

MOVED BY Councillor McCluskey, seconded by Councillor Smith that Regional Council award Tender No. 08-223, Traffic Signal Rehabilitation - Micmac at Glen Manor and Windmill at Wyse - East Region to Black and McDonald Limited for a Total Tender Price of \$201,661.72 (net HST included) with funding from Capital Account No. CTU00419 - Traffic Signal Rehabilitation and Account No. CMU00981 - MetroLink, as outlined in the Budget Implications section of the staff report dated May 20, 2008.

MOTION PUT AND PASSED.

11.1.7 Tender 08-224 Phase 12-2 Development, Burnside Business Park

- A staff report dated May 28, 2008 was before Council

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

1. **Award Tender No. 08-224, Phase 12-2 Development, Burnside Business Park to Brycon Construction Limited for a Total Tender Price of \$6,255,000 (no HST included, 100% relatable), from Capital Account CQ300741, Burnside and City**

of Lakes Development, with funding authorized as per the Budget Implications Section of the staff report dated May 28, 2008;

2. Approve an increase in the Gross Budget of Capital Account CQ300741-Burnside and City of Lakes Development in the amount of \$103,900.00, funded from HROP GL2314 - Natural Gas Future Settlement Charges as per the Budget Implications section of this report to reflect the cost sharing of the installation of a natural gas pipeline from Heritage Gas;
3. Authorize, as per the Budget Implications Section of the staff report dated May 28, 2008, the appointment of CBCL Ltd. for construction inspection services; the appointment of Jacques Whitford Ltd. for geotechnical inspection and certification; payment to Nova Scotia Power Inc. for the extension of electrical transmission lines, and payment to the Halifax Regional Water Commission (HRWC) for water system inspection.

MOTION PUT AND PASSED.

11.1.8 Tender 08-230, Paving Renewal, Curb and Gutter, Sidewalk Renewal and New Curb Various Locations - West Region

- A staff report dated May 30, 2008 was before Council.

MOVED BY Councillor Murphy, seconded by Councillor Sloane that Regional Council award Tender No. 08-230, Paving Renewal, Curb and Gutter, Sidewalk Renewal and New Curb; Various Locations - West Region to Ocean Contractors Limited for a Total Tender Price of \$362,001.50 (net HST included) with funding from Capital Account No. CYU01081 - Paving Renewal, Capital Account No. CKU01084 - Sidewalk Renewal, Capital Account No. CDG00271 - Capital District Downtown Streetscapes, and Capital Account No. CYU01076 - Curb Renewal, as outlined in the Budget Implications section of the staff report dated May 30, 2008.

Councillor Younger expressed concern with road construction at this location due to the large grade of the terrain. Mr. Mike Wile, Business Parks Manager, Real Property, Transportation and Public Works, explained that although it is tough terrain, construction of the road is prudent for continuing growth of the Burnside Business Park. The draft has been completed and the area is zoned I-2 throughout. The streets shown in the draft have been worked by CBCL and are feasible. In response to Councillor Younger, he advised that underground wiring would not be included for this section due to prohibitive costs.

Mr. Wile clarified for Council that HRM does not subsidize land in the Burnside Industrial Park and that all costs are recovered. Mr. Peter Stickings, Manager, Real Property, Transportation

and Public Works, added that the price points are at market and HRM recovers a respectable market. The Burnside Industrial Park is the most successful industrial park east of Montreal and the second largest employment centre in Nova Scotia.

Councillor Sloane commented that HRM seems to be encouraging urban sprawl. The taxes of the downtown core are subsidizing that sprawl while some infrastructure in the core (sewer/water pipes) is over 200 years old.

Councillor Smith stressed the importance of having the Functional Plan worked out to alleviate any conflicts with light industrial and the future residential portion of Dartmouth Crossing. He also expressed concern with the downtown business versus business park tax rates and services adding that all three business parks, as well as the downtown, are important.

Councillor Hendsbee expressed concern with how Phase 12 would fit in with the Functional Plan; the City of Lakes Business Park versus Dartmouth Crossing; the older portion of the Burnside Industrial Park and how they would mesh together. He further expressed concern with the proposed double rotary at the Akerley extension and questioned whether any thought had been given to re-designing that intersection.

Mr. Wile responded to Councillor Hendsbee's concerns by explaining that the rotaries would be roundabouts on the provincial portion of the roadway. At this time, there has been no approval from the province for the Highway 7 extension nor the Sackville / Burnside Expressway. He advised that a more detailed presentation will be provided to Council by the end of June/early July in regard to the Business Parks.

MOTION PUT AND PASSED.

11.1.9 Tender 08-231, Asphalt Resurfacing, Curb Renewal, and New Sidewalk - Windsor Street, West Region

- A staff report dated May 30, 2008 was before Council

MOVED BY Councillor Murphy, seconded by Councillor Fougere that Regional Council award Tender No.08-231, Asphalt Resurfacing, Curb Renewal and New Sidewalk - Windsor Street, West Region to Basin Contracting Limited for a Total Tender Price of \$354,761.47 (net HST included) with funding from Capital Account No. CZU01082 - Asphalt Resurfacing, Capital Account No. CYU01076 - Curb Renewals, Capital Account No. CJU01083 - New Sidewalk, and Capital Account No. CTU00420 - Bikeway Master Plan Implementation, as outlined in the Budget Implications section of the staff report dated May 30, 2008. MOTION PUT AND PASSED.

11.1.10 Tender 08-232, Asphalt Resurfacing, Curb Renewal and Sidewalk Renewal - Jubilee Road, West Region

- A staff report dated May 30, 2008 was before Council.

MOVED BY Councillor Uteck, seconded by Councillor Fougere that Regional Council award Tender No.08-232, Asphalt Resurfacing, Curb Renewal and Sidewalk Renewal - Jubilee Road, West Region to Lafarge Canada Inc. for a Total Tender Price of \$265,502.24 (net HST included) with funding from Capital Account No. CZU01082 - Asphalt Resurfacing, Capital Account No. CYU01076 - Curb Renewal and Capital Account No. CKU01084 - Sidewalk Renewal, as outlined in the Budget Implications section of the staff report dated May 30, 2008. MOTION PUT AND PASSED.

11.1.11 Tender 08-239, Thin Overlays - Phase 2, Various Locations

- A staff report dated May 26, 2008 was before Council.

MOVED BY Councillor Johns, seconded by Councillor Hendsbee that Regional Council:

- 1. Award Tender No. 08-239, Thin Overlays - Phase 2, Various Locations to LaFarge Canada Inc., for a Total Tender Price of \$820,967.69 (net HST included) with funding from Capital Account No. CZU01082 - Resurfacing as outlined in the Budget Implications section of the report dated May 26, 2008.**
- 2. Approve an increase in the Gross Capital Budget of Capital Account CZU01082 - Resurfacing in the amount of \$159,265, funded from HROP GL2314 - Natural Gas Future Settlement Charges as per the Budget Implications section of this report to reflect the cost sharing of the installation of a natural gas pipeline from Heritage Gas;**

MOTION PUT AND PASSED.

11.1.12 Tender 08-250, New Sidewalk, Chain Lake Drive, West Region

- A staff report dated May 30, 2008 was before Council.

MOVED BY Councillor Wile, seconded by Councillor Hum that Regional Council:

1. Approve the recovery of Local Improvement Charges for the new concrete sidewalk on the west side of Chain Lake Drive - West Region by an area rate for a portion of District 10 (see attached map) and;
2. Award Tender No. 08-250, New Sidewalk, Chain Lake Drive - West Region to Ocean Contractors Limited for a Total Tender Price of \$288,566.91 (net HST included) with funding from Capital Account No. CJU01083 - New Sidewalk, as outlined in the Budget Implications section of this report.

MOTION PUT AND PASSED.

11.1.13 Tender 08-245, Chebucto Road - Reversing Lane Project - West Region

- A staff report dated May 30, 2008 was before Council.

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

1. Award Tender No. 08-245, Chebucto Road - Reversing Lane Project - West Region to Basin Contracting Limited for a Total Tender Price of \$2,080,619.14 (net HST included) with funding from Capital Account No. CTV00732 - Rotary/Chebucto Reversing Lane, as outlined in the Budget Implications section of the May 30, 2008 report.
2. Approve an increase to the Capital Budget CTV00732 of \$510,000 with additional funding provided from a withdrawal from Account Q101 as outlined in the Budget Implication Section of this report.

Councillor Fougere advised that she is opposed to this project. The cost has already risen from \$1.8 million to over \$2 million. She requested a recorded vote on the motion.

In response to Councillor Fougere, Mr. Stickings advised that the moving of the home at 6886 Chebucto Road further back on its property should not impact traffic control or timing for the road widening project.

Councillor Sloane advised that she was also against this proposal due to the costs and quality of life issue.

Councillor Rankin commented that he is in support of the project as Council supported the original package and it would be irresponsible not to continue that support. He requested that

the most beneficial aspects of the project be communicated to the public with emphasis on the lack of impact on traffic control.

Mr. Wayne Anstey, Deputy CAO, Operations, explained that the project has only increased by \$300,000 not \$1million. It is expected that the resale of the acquired properties in relation to this project will reduce that cost.

Councillor Uteck requested information on the hidden costs associated with this project as she has concerns that the costs will escalate. The difference between what HRM paid for the acquired properties and the actual resale amount should be factored into the budget as the properties, most likely, would not be sold for what HRM paid for them. She expressed concern with the impact on traffic considering the work will continue into September and would include temporary closure of the CN bridge. She questioned the logic in proceeding with this project for a three minute faster commute. Councillor Uteck added that the project does not make economic sense, therefore; she would not be offering her support.

Mr. Anstey explained that any loss in resale value of the acquired land would be approximately the same amount as would have been paid to expropriate the portion of land required. Mr. Stickings added that the properties were appraised and, for budget purposes, a loss in resale was assumed.

Councillor Hum advised that she was not in support of this proposal suggesting another option could have been found.

Councillor Murphy suggested that the money for this project would be better used to improve transit services, including park and rides.

In response to Deputy Mayor Adams, Mr. David McCusker, Manager, Regional Transportation, Infrastructure and Asset Management, explained that the Chebucto Road widening was part of the Armdale Round-About project and was intended to address transit and vehicular capacity. If the road widening were not done, the demands would be beyond what has been shown in the transit plan; a small amount of traffic capacity is required. Deputy Mayor Adams commented that the Herring Cove Road had also undergone an extensive road widening project.

Mr. Peter Stickings responded to Councillor Hendsbee's concern with liability for possible contaminants in the soil (ie: spills from an old oil tank) when the home at 6886 Chebucto Road is moved back on the property by explaining that if there are hydrocarbons on the property, the issue will be isolated, the cause determined and then addressed from that point. It would be difficult to say at this point who would be responsible. He further explained that there would be no alteration to the two properties on either side of 6886 Chebucto Road other than soft landscaping. The intent is to resell those two properties with no subdividing.

Councillor Walker commented that this was intended to be a three-part project from the start. Other streets in HRM have been widened (Titus Street in his district) with no loss in value to the properties. Some homes along Chebucto Road have already been sold with the new owners being fully aware of the road widening. He is in support of the project.

Councillor Fougere commented that traffic control, and the residents, will be impacted by this project. There will be zero time savings, in regard to commute time, as confirmed by Mr. McCusker. She explained that it is never irresponsible to vote against something when doing so on behalf of the residents. This project is divergent to Council's goal of re-populating the downtown core, and; is a waste of money. She advised that she will continue to vote against every aspect of this road widening project.

Councillor Sloane added that the residents are against this road widening project. Gas prices are rising daily and people will not want to drive their cars; they will be moving back to the peninsula and will want the same quality of life inside the core as outside. A wider road means nothing when more buses are required; she would rather see the purchase of more buses. In regard to other road widening projects, such as Titus Street and the Herring Cove Road, there was more room for expansion in those locations and the uniqueness of every part of this project needs to be considered. The sprawl has to stop. HRM should be using its existing infrastructure and should be investing in buses, not building roads.

Councillor Rankin commented that Council had already approved this project and agreed that if it did not proceed there would be backups at the rotary regardless of whether you were in a car or a bus.

A **Recorded Vote** was taken. **MOTION DEFEATED.**

Members of Council voting **in favour** of the motion: Councillors Hendsbee, McCluskey, Karsten, Smith, Walker, Mosher, Rankin, Meade, Deputy Mayor Adams and Mayor Kelly.

Members of Council voting **against** the motion: Councillors Snow, Younger, Barkhouse, Wile, Murphy, Sloane, Uteck, Fougere, Hum, Johns, Harvey, Outhit

(Councillors Stephen Streach and Harry McInroy were absent.)

Councillor Hendsbee requested a Motion of Reconsideration. Mayor Kelly advised a Motion of Reconsideration had been called.

The meeting recessed at this time (12:17 p.m.)

The meeting reconvened at 6:00 p.m. with all Council members in attendance.

11.1.14 Request for Permanent Encroachment on Memory Lane

Item deferred due to time constraints.

11.1.15 Lease Agreement - Parcel M-1 - (PID# 40805848) - Glen Arbour Way, Hammonds Plains

Item deferred due to time constraints.

11.1.16 Interim Award Policy - 2008

Item deferred due to time constraints.

11.1.17 Street Closure - Portion of Shore Road, Dartmouth

Item deferred due to time constraints.

11.1.18 Administrative Order 32 - Public Hearing Requirement For By-Laws

- A staff report dated June 4, 2008.

MOVED BY Councillor Johns, seconded by Councillor Karsten that Regional Council amend Administrative Order 32 by adding to subsection 8(k) the following:

A public hearing is not required on the enactment or amendment of a By-law unless specifically directed by Council.

MOTION PUT AND PASSED.

11.2 NORTH WEST COMMUNITY COUNCIL

11.2.1 Case 01048 - Bedford West Development Agreement and Municipal Planning Strategy Amendments, Sub-areas 3 and 4.

Item deferred due to time constraints.

11.3 WESTERN REGION COMMUNITY COUNCIL

11.3.1 Uniform Charge for White Hills Residents Association

Item deferred due to time constraints.

11.4 GRANT COMMITTEE

11.4.1 HRM Community Grants Program 2008 - 2009: Recommended Awards

Item deferred due to time constraints.

11.5 REGIONAL PLAN ADVISORY COMMITTEE

11.5.1 Amendment to Terms of Reference - Quorum

Item deferred due to time constraints.

11.6 TAXI & LIMOUSINE ADVISORY COMMITTEE

11.6.1 Review of Taxi Fares to Increase Taxi Rates

Item deferred due to time constraints.

11.7 MEMBERS OF COUNCIL

11.7.1 Councillor Hum - Request for Report re: Environmental Issues - Cement Plant Site, Kearney Lake Road.

Item deferred due to time constraints.

11.7.2 Councillor Mosher - Request to add May 27, 2008 Information Item #11 to the Agenda - Plebiscite re: Tax Reform Question.

Item deferred due to time constraints.

11.7.3 Councillor McInroy - Request for Report re: Metro Transit Special Constable Security

Item deferred due to time constraints.

12. MOTIONS - NONE

13. ADDED ITEMS

**13.1 Councillor Snow - Request for Report re: Municipal Planning Strategy
Amendments re: Increased Density for Alternate Housing Forms**

Item deferred due to time constraints.

13.2 Legal Matter - Settlement of Claim

Item deferred due to time constraints.

13.3 Citizen Appointments to Boards/Committees and Commissions

Item deferred due to time constraints.

14. NOTICES OF MOTION

Councillor McCluskey - Amendment to Administrative Order SC-35 regarding closure of a portion of Shore Road, Dartmouth, Nova Scotia.

Item deferred due to time constraints.

15. ADJOURNMENT

The meeting was adjourned at 10:00 p.m.

Julia Horncastle
Acting Municipal Clerk

INFORMATION ITEMS

1. Proclamation - Khilafat Day - May 27, 2008
2. Proclamation - Child Care Awareness Days - June 2008
3. Proclamation - St. John Ambulance Day - June 6, 2008
4. Proclamation - HRM Bike Week - May 30 - June 8, 2008
5. Memorandum from Director, Transportation and Public Works dated May 13, 2008
re: Damage to Lynwood Drive and Bens Court
6. Memorandum from Director, Community Development dated May 6, 2008
re: Case 01152 - Municipal Planning Strategy Amendment, Timberlea / Lakeside / Beechville
7. Memorandum from Director, Community Development dated May 8, 2008
re: Case 01110 - Large Scale Commercial Development - Planning Districts 1 & 3 (St. Margarets Bay)
8. Memorandum from Director, Finance dated May 16, 2008
re: Guidelines - HRM Spending During Municipal, Provincial or Federal Elections
9. Memorandum from Director, Legal Services & Risk Management dated May 13, 2008
re: Status of By-Law Prosecutions - February 1 - 29, 2008
10. Memorandum from Director, Community Development dated May 21, 2008
re: Case 01148 - Amendments to the Bedford West Secondary Planning Strategy and Regional Subdivision By-Law
11. Memorandum from Deputy Chief Administrative Officer - Corporate Services & Strategy dated May 20, 2008 re: Plebiscite regarding Tax Reform Question
12. Memorandum from the Acting Municipal Clerk dated May 23, 2008
re: Requests for Presentation to Council - None