

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL
MINUTES
July 8, 2008

PRESENT:

Mayor Peter Kelly
Deputy Mayor Stephen Adams
Councillors: Steve Streach
Krista Snow
David Hendsbee
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

REGRETS:

Councillor: Harry McInroy

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. Shawnee Gregory, Legislative Assistant

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1. INVOCATION

The Mayor called the meeting to order at 2:50 p.m. with the Invocation being led by Councillor Sloane.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Hendsbee indicated that the Province and Municipality had held an appreciation barbeque on July 3, 2008 as a tribute to those who had come to the aid of the residents in district 3 during the wildfires and he wished to thank all personnel who had helped. He advised that a thank you t-shirt had been produced to commemorate the event and would be on sale for ten (10) dollars with proceeds going to the fire recovery project organized by the Mineville Community Association. Councillor Hendsbee also wished to invite residents to Fiesta Summer Days which would be held from July 11 to 13, 2008 in Lake Echo and noted that they would be having fireworks for the first time. In closing, he encouraged everyone to have a safe and happy summer.

Councillor Murphy wished to thank Councillors Hendsbee and Stretch as well as the residents of the Eastern Shore for welcoming members of the North End of Halifax to the Bicentennial Theatre on Saturday, July 5, 2008. He also advised that the fourth annual Northern Lights Lantern Festival would be held on Saturday, July 12 at 4:00 p.m. and that all events were free to attend.

Councillor Uteck wished to announce a good news story regarding the Harbour Solutions clean up as there would be a party at Black Rock Beach in the South End on August 2, 2008 from 11:00 a.m. to 1:00 p.m. to celebrate the beach being open for swimming.

Councillor Outhit wished to thank those involved with Bedford Days; particularly Ms. Debra Taylor, Mr. Quentin Hill, Mr. Don Lowther, Mr. B.J. McInnis, Ms. Marlina Dell, Mr. Paul MacKenzie and Mr. Ron Chaulk as well as the team from HRM including Ms. Cat MacKeigan, Mr. Mike Gillett, Ms. Diane Walker, and Ms. Leanne Strathdee. In closing, Councillor Outhit also advised the Mayor that residents had sent him their regards during his hospital stay.

Councillor Mosher advised that Sunday, July 13, 2008 would be the kick off date of the Saint Pierre and Miquelon Race. She also indicated that on August 2, 2008 from 11:00 a.m. to 3:00 p.m. the Dingle Beach would be reopening with a party including live music and a barbeque and that life guards would be on duty for the remainder of the summer. Councillor Mosher also wished to stop rumours that the Mayor had been in the hospital due to him swimming in the harbour as that was absolutely not true and she congratulated staff on their achievement of opening the beach.

Deputy Mayor Adams noted that a pancake breakfast had taken place on Canada Day in the Grand Parade and wished to thank the Armdale and Rockingham Lions Club, members of the military and the Spryfield Lionettes for their help. He also wished to thank the Spryfield Residents Association for hosting a Canada Day picnic at Kidston Lake. Deputy Mayor Adams stated that he had attended an event on July 5, 2008 to honour Mr. Rene Quigley, a long time member of the Lions Club who had passed away in January and that a playground and recreation centre had been dedicated in his name. He wished to thank all those who had attended.

Councillor Streach wished to acknowledge the large series of free concerts being organized by HRM staff; noting that the one held on Saturday, July 5, 2008 at the Bicentennial Theatre had been a great success. He thanked Councillor Murphy and North End residents for their attendance. Councillor Streach also wished to recognize the hard work of HRM Lions Clubs as they had organized the Summer Fair which would be commencing on Wednesday, July 9, 2008 and he invited everyone to attend.

Councillor Sloane wished to thank the Canada Day Committee for all their hard work this year. She indicated that she had also helped with the swearing in of sixty one (61) new Canadians at Pier 21 and that she had represented the Mayor and Council both there and at a garden party held in the Public Gardens. Councillor Sloane also advised that Tunes at Noon would soon be starting in the Grand Parade, that it would include twenty one (21) days of local music from 11:30 a.m. to 1:30 p.m. from Wednesday to Friday and that it was sponsored by the Downtown Business Commission. She stated that Ivy at the Downtown Business Commission would be taking submissions as well as the Music Nova Scotia website.

Councillor McCluskey stated that the Highland Games would be taking place on the Dartmouth Commons on Saturday, July 12, 2008. She also wished to thank Ms. Maureen Cullen and her horticultural group for the lovely baskets hanging along Lake Banook and advised everyone that Seymour the Turtle was back on Alderney Drive.

Councillor Snow stated that there would be a meeting of the Marine Drive Valley and Canal Community Council on July 9, 2008 at 7:00 p.m. at the Kinsac Community Centre. She also stated that a battle of the bands would be taking place on Friday, July 11, 2008 as a fundraising event for a bike and skateboard park and that a street dance would also be taking place on Saturday, July 12, 2008 from 8:00 p.m. to 12:00 a.m. In closing, she advised that Phonse Jessome would be commencing the Crohn's Ride for Life at 11:00 a.m. at the Sobeys in Fall River.

Councillor Johns wished to congratulate all involved with the Canada Day weekend festivities in Sackville; particularly Ms. Charlene Whitlock, Mr. Burt Morgan and Mr. Lee Hubley.

Councillor Barkhouse advised that two (2) tea sittings would be taking place on Thursday, July 10, 2008 at 2:00 and 3:00 p.m. at the Cow Bay Hall and encouraged residents to attend as well as to visit the new park which had been opened at the Silver Sands beach area. She also wished to thank those involved with the Canada Day events on the Dartmouth side of the harbour; especially those who had helped her with the Sullivans Pond concert.

Councillor Fougere advised that the Chebucto Neighbourhood Association would be holding a public meeting on Thursday, July 10, 2008 at 6:00 p.m. at St. James Church near the Rotary regarding the Chebucto Road Widening Project and that Council was invited to attend. She also noted that the annual Lebanese Festival would be taking place from July 11 to 13, 2008 at St. Antonia's Church hall on the corner of Cunard and Hunter Street.

Councillor Smith advised that on Thursday, July 10, 2008 at 6:30 p.m. there would be a meeting of the Ferrell Benevolent Society at Ferrell Hall and that there would be an election for the vacant director position at that time. He also stated that Crime Stoppers would be hosting a barbeque on Saturday, July 12, 2008 at the Dartmouth North Community Centre. Councillor Smith also wished to congratulate those being honoured at a special awards ceremony at the community centre during which was currently taking place during the Council meeting.

Councillor Johns stated that he wished to make a special presentation based on an idea from Councillor Rankin. He wished to recognize Mr. Graham Hicks' years of service and interest in the municipality as he had been attending all Regional Council and Community Council meetings for the past thirty five (35) years. With new security measures at City Hall, Councillor Johns presented Mr. Hicks with his own special guest pass and thanked him for his interest in municipal government.

3. APPROVAL OF MINUTES - June 17, 2008

Correction: Councillor Hendsbee advised that on page 8, fourth paragraph, the sentence commencing with "Councillor Snow" should commence with "Councillor Hendsbee".

MOVED BY Councillor McCluskey, seconded by Councillor Sloane that the minutes of June 17, 2008, as amended, be approved. MOTION PUT AND PASSED.

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

Additions: 13.1 Councillor Uteck: Request for Report re: Parking for Motorcycles, Mopeds, Scooters.

Move: 13.2 Contractual Matter - Short Term Arena Strategy - Multi-pad Arena
11.1.3 Shubenacadie Canal Fundraising - Memorandum of Understanding
Councillor Younger requested this item be moved forward as members of the Commission were in attendance.

11.3.1 Civic Events Granting Process Overview and Discussion Paper
Councillor Fougere requested this item be moved forward on the agenda as she had a funeral to attend later in the afternoon.

Deletion: 11.4.3 Mainland Common Community Centre.
Due to ongoing negotiations between HRM Staff and the Federal Government, Councillor Walker requested that this item be deleted from the agenda. Councillor Fougere advised that the item is a request that it be addressed at a future Committee of the Whole session.

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

Council agreed, during the approval of the agenda, to deal with Item 11.1.3 at this time.

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.3 Shubenacadie Canal Fundraising - Memorandum of Understanding

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

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

- 1. Approve the terms of the Memorandum of Understanding between the Shubenacadie Canal Commission and the Halifax Regional Municipality as attached to the staff report dated June 27, 2008;**
- 2. Authorize the expenditure of \$55,000 from account CDG00493 for the purposes outlined in the agreement.**

Councillor Younger advised that Mr. Jake O'Connor, Chairman, Shubenacadie Canal Commission, was in attendance to respond to any questions of Council.

MOTION PUT AND PASSED.

Council agreed, during the approval of the agenda, to deal with Item 11.3.1 at this time.

11.3 SPECIAL EVENTS ADVISORY COMMITTEE

11.3.1 Civic Events Granting Process Overview and Discussion Paper

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

- 1. Approve Halifax International Busker Festival as a Hallmark Event and provide 2008/09 funding as outlined in revised Table 1 (Attachment 2 of the June 9, 2008 staff report); and,**
- 2. Approve additional 2008/09 funding amounts from the Festival and Events Grant program as outlined in revised Table 2 (Attachment 3 of the June 9, 2008 staff report).**

Councillor McCluskey requested that the Great Atlantic Blues and Beyond Festival be included in the 2008/09 Festival and Events Grant Program and be awarded a grant of \$100,000.

Councillor Fougere, Chair of the Special Events Advisory Committee (SEAC), explained that the Great Atlantic Blues and Beyond group had made a presentation to SEAC. The application was scored according to the criteria and funding was denied based on the following: the event was a for profit event, details were not secure, there were no signed contracts from the performers, there were plans for a "pay at gate" performance, and; it would be a first time event with a questionable budget.

MOVED BY Councillor Fougere, seconded by Councillor Walker that Halifax Regional Council refer the request to include the Great Atlantic Blues & Beyond Festival, as outlined in Table 1 Commercial Events section of the staff report dated June 9, 2008, and provide \$100,000 in funding from the Marketing Levy Special Events Reserve 2008/09 budget year, to the Special Events Advisory Committee to determine if there is sufficient funding available to accommodate the request.

MOVED BY Councillor Mosher, seconded by Councillor Walker that Halifax Regional Council include the Greek Fest as an annual event and provide funding from the Marketing Levy Special Events Reserve.

Councillor Mosher explained that over the years the Greek Fest has grown; as have the costs associated with the festival (such as fencing). HRM benefits from the festival, which provides vibrancy and culture of the area, yet provides no funding for the event.

Without a vote being taken on the above motions, discussion ensued on the main motion.

Councillor Karsten expressed concern that SEDMA (an annual hockey tournament) was dissuaded from applying for a grant on the basis that it was a sporting event and therefore not eligible. However, a midget baseball group has been awarded funding with no documentation outlining the scoring mechanism to show how the funds were awarded in that instance. He added that he would like for the process to be fair and open and encouraged SEDMA to try again next year. He further suggested that the overall concept of "special events" should be reviewed.

Councillor Sloane, a member of the Special Events Advisory Committee (SEAC), explained that the Committee has done their due diligence in regard to the scoring of applications. She explained that the funding is intended for *not for profit* events, not *for profit* events and that is why some groups have not received funding.

Councillor Johns requested that Councillor McCluskey's request to include the Great Atlantic Blues and Beyond Festival, be split from the main motion on the floor.

In response to Councillor McCluskey questioning the awarding of funds for the Commons Concern, which is a *for profit* event, Councillor Fougere explained that Council had made the decision in regard to the Common Concert not the SEAC. Councillor McCluskey expressed concern with too many decisions being made with differing criteria. She added that there should be no Councillors serving on the SEAC.

Councillor Johns, a member of the Special Events Advisory Committee (SEAC), advised that the mandate and direction of the Committee was given prior to the formation of the Committee and that direction has tied their hands.

Councillor Fougere added that the criteria used for judging the applications, the funds to be awarded and the composition of the Committee were all determined by Council. She thanked the Committee members for the multiple hours they invested in reviewing applications and listening to presentations from the various groups. Councillor Fougere explained that the composition of the Committee included representatives from tourism, business and the events areas and that only three of the nine members were HRM Councillors appointed by Halifax Regional Council. She added that no matter how many times the Committee reviews an application, the criteria would remain the same.

Councillor Sloane explained that the Committee followed the criteria and the criteria will remain the same unless a Notice of Motion is made indicating an intent to amend the

criteria. If there were to be an amendment to the criteria, that change would not occur in time for this group.

Councillor Younger commented that he would like to see the event funded. The applicant could have set up as a non profit event. He clarified that the hockey event was funded prior to the approval of the guidelines by Council and that the Commons Concert was also a decision of Council.

A vote was then taken on the motions put forward by Councillors Fougere and Mosher as follows:

MOVED BY Councillor Fougere, seconded by Councillor Walker that Halifax Regional Council refer the request to include the Great Atlantic Blues & Beyond Festival, as outlined in Table 1 Commercial Events section of the staff report dated June 9, 2008, and provide \$100,000 in funding from the Marketing Levy Special Events Reserve 2008/09 budget year, to the Special Events Advisory Committee to determine if there is sufficient funding available to accommodate the request. MOTION PUT AND PASSED.

MOVED BY Councillor Mosher, seconded by Councillor Walker that Halifax Regional Council include the Greek Fest as an annual event and provide funding from the Marketing Levy Special Events Reserve. MOTION PUT AND PASSED.

A vote was then taken on the main motion.

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

1. **Approve Halifax International Busker Festival as a Hallmark Event and provide 2008/09 funding as outlined in revised Table 1 (Attachment 2 of the June 9, 2008 staff report); and,**
2. **Approve additional 2008/09 funding amounts from the Festival and Events Grant program as outlined in revised Table 2 (Attachment 3 of the June 9, 2008 staff report).**

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 S-308, an Amendment to By-law S-300, Respecting Streets

- A copy of the PowerPoint presentation dated May 13, 2008 was before Council.
- A Supplementary Report dated June 27, 2008 was before Council.
- A staff report dated April 28, 2008 was before Council.

MOVED BY Councillor Younger, seconded by Councillor McCluskey that Halifax Regional Council approve By-Law S-308, respecting streets as shown in Attachment 1 of the April 28, 2008 staff report and approve the amended Administrative Order #15.

Councillor Younger commented that Heritage Gas has no real justification to dig up a street only two years after the street has been paved as HRM provides ample notice of such projects. He explained that he receives numerous phone calls from residents after a newly paved street is dug up questioning why it is being done, therefore, he would support the recommendation.

Councillor Uteck advised that Heritage Gas could not cross the Harbour until they had anchor tenants and that peninsular Halifax is being unfairly penalized. She would not support the recommendation.

Councillor Snow advised that she would not support the recommendation as it would be cost prohibitive for residents.

Mr. Ken Reashor, Manager, Traffic Authority/Traffic Right of Way, explained that even with a two year moratorium on new streets, exceptions could still be made for situations such as the installation of traffic lights if it were an emergency situation. The specifics of each request would be reviewed and would come before Regional Council for final approval. He added that HRM works with the utility companies by providing advance notice of street paving projects.

In response to Councillor Hendsbee, Mr. Angus Doyle, Manager, Utilities Coordination, explained that a Utility Coordination Committee met on a monthly basis and discussed Capital Plans on an annual basis. Offers are made by HRM to include orphan systems for the utility if they are not ready to move forward with their project while HRM road work is underway. The utility would then take over ownership of the orphan system within a specified period of time.

Councillor McCluskey advised that she was in support of the two year moratorium. HRM cannot hold off on street work until the utilities are ready. In some instances, HRM has accommodated the utilities by laying the pipe for them.

Councillor Streach commented that he would not support the recommendation and would prefer that HRM worked with the utilities rather than implementing a By-Law. Mr. Reashor responded that the By-Law is intended to protect the integrity of HRM infrastructure. He explained that HRM has delayed paving projects to allow for work by the utilities to be completed. He added that fees would be involved even for emergency situations if the work were to occur prior to the end of the two year moratorium.

Councillor Wile entered the meeting at 3:35 p.m.

Councillor Karsten explained that the proposed By-Law would be added protection for HRM infrastructure and the tax payers' money. The recommendation is an example of proper planning.

Councillor Snow commented that she would support longer warranties or stricter conditions of the policies rather than a moratorium as there are policies currently in place for contractors who cut HRM roads to reinstate those roads to certain specifications.

Mr. Reashor responded to Councillor McCluskey that the warranties would be valid for a period of two years, however, there would be a loss of life in the pavement structure no matter how well the repair was done.

Mr. Reashor responded to Councillor Uteck that if a lot were subdivided after a street were recently paved, HRM would try to delay any connections as there would be construction time related to the request.

MOVED BY Councillor Uteck, seconded by Councillor McCluskey that the motion be amended by the removal of proposed Clause J of Section 28 shown on page 2 of the Proposed By-Law attached as Attachment 1 of the staff report dated April 28, 2008 which reads as follows:

- (j) Unless otherwise authorized by the Engineer, pavement cuts shall not be permitted for two years on streets which have been resurfaced, reconstructed or have received a pavement treatment; and***

MOTION TO AMEND PUT AND DEFEATED.

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

MOVED BY Councillor Younger, seconded by Councillor McCluskey that Halifax Regional Council approve By-Law S-308, respecting streets as shown in Attachment 1 of the April 28, 2008 staff report and approve the amended Administrative Order #15. MOTION PUT AND PASSED.

8.2 Harbour Solutions Project - Fourth Quarter Report - January 1, 2008 - March 31, 2008

- A copy of the PowerPoint presentation dated June 24, 2008 was before Council.
- An Information Report dated May 14, 2008 was before Council.

Mr. Brad Anguish, Director, Harbour Solutions Project and Business Planning and Information Management provided an update on the overall project. He advised that construction of the Herring Cove Sewage Treatment Plant has met with a delay due, in part, to the supply chain/trades and is now set to be in operation by June 2009. The delay is costing the Contractor an Inflation Penalty of approximately 28%. HRM would actually save money over time by not placing a timeline on the project. There are unique warranties in place with unique arrangements and the quality of the project is there due to the warranties in place. He added that HRM remains within budget and avoided a \$3.7 million inflation cost due to the Herring Cove Plant delay.

Councillor Fougere exited the meeting at 3:37 p.m.

Mr. Anguish further advised that 100 tonnes of silt and debris had been removed from the lines at the North West Arm. Private outfalls along the Arm are in the process of being disconnected and reverted to the public system. Divers had been sent to check along the bottom of the Arm and any garbage found (car parts/bicycles around the Dingle) was removed. Now that the bottom is clearly visible, a small tender has been issued to clean the Halifax site line. The beaches will be replenished and with the assistance of HRM's Recreation Department, equipment will be set up.

He announced that August 2, 2008 had been chosen as the official date for the Black Rock Beach and Dingle Beach re-opening.

Mayor Kelly thanked Mr. Anguish, Mr. Ted Tam and all members of the Harbour Solutions Project team for their hard work.

During the ensuing discussion, Members of Council raised the following comments/concerns:

Deputy Mayor Adams requested that a joint letter be sent to the residents of Herring Cove from himself and Mr. Anguish advising of the Herring Cove Sewage Treatment Plant timelines and new deadline.

In response to Councillor Streach, Mr. Anguish confirmed that there would be a nutrient management plan and that in reality the level of metals present in the biosolid soil would be very low.

Councillor Streach commented that he has received complaints that HRM was charging too much for the product. Those using the product are helping HRM with this initiative by using a product that would not be their first choice. Mr. Anguish clarified that HRM only charges \$2 per tonne. Councillor Streach added that he would like to speak in more detail with staff on this matter.

In response to Councillor McCluskey, Mr. Anguish advised that the Dartmouth Sewage Treatment Plant would be fully operational in approximately one month and that the effect would be immediate. He also confirmed that the beach line will be cleaned up and that there will be further landscaping around the pumping station including fencing for security purposes.

Councillor Snow commented that the resulting bio-solid soil produced by the treatment plants was great stuff and she would take it by the truckload. She suggested that there be samples presented at a Committee of the Whole session and throughout the region.

Councillor Hendsbee suggested that former Mayor Walter Fitzgerald be invited to the August 2nd events. He congratulated all members of the Harbour Solutions Project team, specifically Mr. Ted Tam. He inquired whether the diversion of Cole Harbour's sewage to the Dartmouth Plant rather than to Eastern Passage would permit sewage extension along Highway #7 and Main Street. He also inquired whether HRM used the biosolid soil on HRM parkland.

8.3 Motion - Councillor Johns

MOVED BY Councillor Johns, seconded by Councillor Harvey that Halifax Regional Council approve that at such time as the proposed amendments to Administrative Order #33, outlined in the April 28, 2008 staff report, are considered by Council; that all areas of District 19 who do not receive municipal water or sewer services be included under Section 2(b) of Administrative Order #33 as long as they meet all other provisions of that order.

Councillor Hendsbee expressed concern that eliminating one area would place another area at risk in regard to residential properties outside the area not being required to have a burning permit for their fire burning apparatus. He also stressed the importance of the public education component and the need for firefighters to have control.

Councillor Johns explained that, typically, those lots that do not receive municipal services are larger and as long as all other criteria in the By-Law was met there should be no problems.

MOTION PUT AND PASSED.

9. PUBLIC HEARINGS

The public hearing portion was dealt with later in the meeting. See page 24.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence - None

10.2 Petitions

10.2.1 Chebucto Road Widening Project

Councillor Fougere submitted a petition from members of the public who are against the Chebucto Road widening project.

10.2.2 Reinstatement of the Community Name Bayer's Settlement, East Petpeswick.

Councillor Streach submitted a petition on behalf of area residents requesting the reinstatement of the historic community name Bayer's Settlement within the HRM approved Community of East Petpeswick.

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Sole Source Purchase - Aliant, Replatforming of HRM Parking Ticket System

- A staff report dated June 24, 2008 was before Council.

MOVED BY Councillor Karsten, seconded by Councillor McCluskey that Halifax Regional Council award the contract for the rebuilding and replatforming of the current Parking Ticket Application to Aliant, for a maximum upset price not to exceed \$122,046.22 including net HST to be amortized over a period not to exceed 38 months, with funding from operating account A315GL6201 - Finance, Revenue as

outlined in the Budget Implications section of the staff report dated June 24, 2008.
MOTION PUT AND PASSED.

11.1.2 Tender 08-069 - Biennial Ferry Re-fit, - Woodside I

- A staff report dated June 23, 2008 was before Council.

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

- 1. Approve an increase to Capital Project CVD00436, Biennial Ferry Re-fit, in the amount of \$176,915, with funding as a withdrawal from the Ferry Reserve Q129;**
- 2. Award Tender No. 08-069, Biennial Ferry Re-fit - Woodside I to Lunenburg Foundry and Engineering Ltd. for a total award cost of \$639,284.72 including net HST from Capital Account No. CVD00436, Biennial Ferry Re-fit with funding authorized as per the Budget Implications section of the staff report dated June 23, 2008;**
- 3. Approve an additional maximum upset amount of \$64,000, including net HST, for additional costs to paint the vessel and for unforeseen work, with funding from Capital Account No. CVD00436 Biennial Ferry Re-fit as detailed in the Budget Implications section of the staff report dated June 23, 2008.**

MOTION PUT AND PASSED.

11.1.3 Shubenacadie Canal Fundraising - Memorandum of Understanding

This item was dealt with earlier in the meeting. See page 8.

11.1.4 Case 01116 - Municipal Planning Strategy Amendment - Fraternal Centres

- A staff report dated June 13, 2008 was before Council.

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

- 1. Initiate a process to amend the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law to enable the**

consideration of a fraternal centre at 40 Sandy Lake Road, Beaver Bank, and reconsider the definition of fraternal centres; and

2. Request that Staff follow the public participation program approved by Council in February 1997.

MOTION PUT AND PASSED.

11.1.5 Case 01119 - Amendments to Land Use By-Laws Regarding Parking Standards for Health Practitioners

- A staff report dated June 9, 2008 was before Council.

MOVED BY Councillor Snow, seconded by Councillor Harvey that Halifax Regional Council give First Reading to consider amendments to the HRM Land Use By-laws identified in Attachments "A" through to "P" to reduce the parking requirements for health practitioners and to schedule a public hearing. MOTION PUT AND PASSED.

11.1.6 Case 01155 - Amendments to Municipal Planning Strategy and Land Use By-Laws Regarding Kennels

- A staff report dated June 11, 2008 was before Council.

MOVED BY Councillor Snow, seconded by Councillor Hendsbee that Halifax Regional Council:

1. Request staff to initiate a process to consider amending the Municipal Planning Strategies and Land Use By-laws for the Planning Districts 14 and 17 (Shubenacadie Lakes) and Lawrencetown Plan Areas to reconsider where and under what conditions kennels are permitted; and
2. Request that Staff follow the public participation program approved by Council in February 1997.

MOTION PUT AND PASSED.

11.1.7 Dartmouth East Community Centre Lease Agreement

- A staff report dated June 5, 2008 was before Council.

MOVED BY Councillor Younger, seconded by Councillor Karsten that Halifax Regional Council approve the draft Agreement attached to the staff report dated

June 5, 2008 between the Halifax Regional Municipality and a company to be incorporated by the Dartmouth East Boys and Girls Club providing for the subsidiary corporation to manage and operate the Facility on behalf of HRM upon facility opening in fall of 2008. MOTION PUT AND PASSED.

11.1.8 Proposed Administrative Order SC-52, Respecting Closure of a Portion of Kelly Street, Halifax (Parcels K1 & K2)

- A staff report dated June 4, 2008 was before Council.

MOVED BY Councillor Walker, seconded by Councillor Wile that Halifax Regional Council close the portions of Kelly Street right-of-way, as per HRM Administrative Order SC-52, as shown on Attachment "B" of the staff report dated June 4, 2008. MOTION PUT AND PASSED.

11.1.9 Corporate Sustainability Filter - Pilot Project

Councillor Johns requested that this item be deferred to the next meeting.

11.2 GRANT COMMITTEE

11.2.1 Less than Market Value Sale of 65-67 Ochterloney Street, Dartmouth (PID 00109470) to Feeding Other of Dartmouth Society

- A report from the Grant Committee dated June 15, 2008 was before Council.

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

- 1. Approve in principle the sub-division of 47 and 43 Wentworth Street creating Lot 3 B1 and Lot 3 A as shown in Attachment 3 of the staff report dated October 27, 2007.**
- 2. Approve in principle an Agreement of Purchase and Sale whereby the property located at 65-67 Ochterloney Street, Dartmouth be conveyed to the Feeding Others of Dartmouth Society for the sum of One Dollar plus certain costs associated with the conveyance, subject to site survey and legal description, and the terms and conditions set out in the staff report of October 17, 2007.**
- 3. Set a date for a Public Hearing.**

MOTION PUT AND PASSED.

11.3 SPECIAL EVENTS ADVISORY COMMITTEE

11.3.1 Civic Events Granting Process Overview and Discussion Paper

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

11.4 MEMBERS OF COUNCIL

11.4.1 Councillor Younger - Request for Report re: Charitable Fundraising on Municipal Streets

MOVED BY Councillor Younger, seconded by Councillor Johns that Halifax Regional Council request a staff report relative to amendments to either the streets By-Law or Vending By-Law to address the advisability of permitting, through no fee license, fundraising activities on municipal streets as per the proposed amendments to Section 293 of the Motor Vehicle Act as follows:

13 Chapter 293 is further amended by adding immediately after Section 173 the following Section:

- 173A(1).....(no person can collect money, etc.)***
- (2).....(does not apply to emergency vehicles, tow trucks, etc.)***
- (3) Subsection (1) does not apply to fund-raising activities that are (a) permitted by a By-Law of the municipality in which the activities are conducted; and (b) approved by the traffic authority responsible for the roadway on which the activities are conducted.***

Councillor Hendsbee requested that the report clearly indicate that along with municipal streets; municipal parking lots, sidewalks and all areas within the municipal right-of-way be included.

MOTION PUT AND PASSED.

11.4.2 Councillor Barkhouse - Breeding Kennel Fees

MOVED BY Councillor Barkhouse, seconded by Councillor Hendsbee that Halifax Regional Council consider an amendment to By-Law A-300 in regard to dog licensing fees for owners of dog breeding kennels. MOTION PUT AND PASSED.

11.4.3 Councillor Fougere - Mainland Common Community Centre

This item was deleted from the agenda during the approval of the order of business.
See page 8.

12. MOTIONS

12.1 Deputy Mayor Adams

MOVED BY Councillor Johns, seconded by Councillor Snow that Halifax Regional Council request that staff provide a report with respect to providing bus service to areas of HRM with existing bus service at the urban / suburban boundary funded through the general rate, with an area rate equivalent to that paid by residents in the urban areas. This service will include, but not be limited to, Eastern Passage, Waverley, Lucasville, Williamswood, Harrietsfield and Sambro. This request is for basic service, with 8 - 12 trips per day, based on need.

Councillor Johns requested that the report be back to Council before December 2008.

MOTION PUT AND PASSED.

12.2 Councillor Younger

MOVED BY Councillor Younger, seconded by Councillor Murphy that Halifax Regional Council request a staff report on the following:

- (i) *“To amend Administrative Order One the effect of which would be to declare vacant the position of any member of a Committee of Council after missing three consecutive meetings of the Committee with the sole exceptions being conflict with another committee of Council meeting, a meeting of Regional Council or Committee of the Whole, or with the approval of Regional Council, and further; that quorum of committees be calculated based on the number of non-vacant seats on the Committee.”***
- (ii) *“To amend Administrative Order 15, Respecting License, Permit and Processing Fees, Section 18, to read:***

Where there is an excavation within the street, the application shall include:

- A security deposit in the amount of \$1,000.00.***

- ***A Pavement Impact Charge based on Surface Distress Index (SDI) of street pavement surface.”***

<i>SDI</i>	<i>Fee (percentage of pavement reinstatement cost)</i>
<i>8.5 - 10.0</i>	<i>30%</i>
<i>7.0 - 8.5</i>	<i>25%</i>
<i>6.0 - 7.0</i>	<i>20%</i>
<i>4.0 - 6.0</i>	<i>15%</i>
<i>0.0 - 4.0</i>	<i>5%”</i>

Councillor Walker requested that consideration be given to docking a Councillor’s salary for any meetings missed beyond the three consecutive meetings permitted in Administrative Order One.

Councillor Johns requested that staff contact him in regard to the docking of a Councillor’s pay for meetings missed above and beyond what is permitted in Administrative Order One.

Councillor Wile requested that any medical reasons not be included.

MOTION PUT AND PASSED.

12.3 Councillor Sloane

MOVED BY Councillor Murphy, seconded by Councillor Smith that Halifax Regional Council request a staff report to add Hollis Street, south of Bishop Street to South Street, to the list of potential Heritage Conservation Streets which HRM by Design has commenced.

Councillor Walker requested that staff also address the issue of parking lots in the report, will the parking lots be heritage properties as well or left empty.

Councillor Harvey requested that the block north of the area outlined in the above motion encompassing the area south of Salter Street and Bishop Street also be included on the list of potential Heritage Conservation Streets.

The motion now reads as follows: **MOVED BY Councillor Murphy, seconded by Councillor Smith that Halifax Regional Council request a staff report to add Hollis Street, south of Bishop Street to South Street, and the block north of this area encompassing the area of Salter Street and Bishop Street, to the list of potential**

Heritage Conservation Streets which HRM by Design has commenced. MOTION PUT AND PASSED.

13. ADDED ITEMS

13.1 Councillor Uteck - Request for Report re: Parking for Motorcycles, Mopeds, Scooters

MOVED BY Councillor Hendsbee, seconded by Councillor Johns that Halifax Regional Council request a staff report in regard to the possibility of issuing permits to small vehicles (motor scooters, motorcycles, mopeds) to allow more than one to park in a single parking space. MOTION PUT AND PASSED.

13.2 Proclamation - National Drowning Prevention Week - July 19 - 27, 2008

Proclamation circulated for information purposes.

13.3 Contractual Matter - Short Term Arena Strategy - Multi-Pad Arena

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

1. Approve issuing an RFP to the four short listed partnership candidates for a new 4-pad arena complex.
2. Not specify a preferred location and authorize staff to explore the option to purchase the Hammonds Plains site but not exclude any other site from coming forward.
3. Release the private and confidential report dated July 3, 2008.

MOTION PUT AND PASSED.

14. NOTICES OF MOTION

14.1 Councillor Walker

“Take notice that at the next regular meeting of Halifax Regional Council, to be held on August 5, 2008, I propose to introduce a motion to request a staff report on the implementation of a By-Law banning the sale of fireworks in HRM as was in the City of Halifax Charters.”

The meeting recessed at 5:12 p.m.

The meeting reconvened at 6:04 p.m.

9. Public Hearings

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

- An extract of the draft Regional Council minutes of June 17, 2008 was before Council.
- A report from the North West Community Council dated May 26, 2008 was before Council.
- A report from the North West Planning Advisory Committee dated May 8, 2008 was before Council.
- A staff report dated April 24, 2008 was before Council.

Mr. Paul Morgan, Senior Planner, presented the report. Highlights were as follows:

- Staff was in support of the proposal as it fit in with the Secondary Planning Strategy;
- With regards to environmental protection, a Stormwater Master Plan and Lake Monitoring Program were completed by a consultant and were incorporated into the agreement;
- A sidewalk and multipurpose trail will be completed along the collector road and will be incorporated into the Regional Trail System;
- It had been requested that HRM cost share the project at an estimated cost of just under four hundred thousand (400,000) dollars over a period of nine (9) years.

Mayor Kelly reviewed the Rules of Procedure for Public Hearings and opened the hearing for anyone wishing to speak.

Mr. Ernie Brennan, Ketch Harbour, wished to congratulate Mr. Hicks as he had worked on this project when it was just beginning and believed that it now looked even better. He advised that he had worked with Clayton Developments in the past and that it was his opinion that their park land dedication was less than desirable. Mr. Brennan also stated that it did not make sense that HRM was going to contribute three hundred and ninety thousand (390,000) dollars to build a multi use trail when many trails in other districts were in need of upgrades. He believed that if a development was of a size that required a multi use trail than it should be part of the development agreement

and subsidized. In closing, Mr. Brennan stated that it was citizen's tax dollars paying for such projects and that they should benefit as a result.

Mr. Allen Ruffman, Halifax, stated that a number of Councillors were aware of the parking problems in the area. He indicated that there was not sufficient room for home owners to hold social gatherings or own a third car.

Michael Hanusiak, Project Manager with West Bedford Holdings Limited, Halifax, advised that what Mr. Brennan had stated was untrue. He stated that there had been no violation of the Russell Lake Development Agreement and they had, in fact, created more park land than what was required in the plan policy. He indicated that they provided the land under which the trail was developed at no cost to HRM, that any other cost factor was with respect to regional interest and that the idea was to combine the trail with sidewalk construction to lower the cost. Mr. Hanusiak advised that they were doing a small development as the company had seen a growing reliance on townhouses for affordability and they wanted first time home buyers to be able to remain in their community. They had taken the townhouse and put it on a free standing lot and as well had mandated that each home have a single car garage and driveway parking area. In closing, Mr. Hanusiak stated that he thought it was a good amendment to the Municipal Planning Strategy and that they had vetted it through the public.

A discussion ensued with Mr. Morgan responding to questions. The following points were noted:

- The lot density will remain the same at six (6) units per acre;
- With regards to on street parking, there will be at least twelve (12) to fifteen (15) feet between curbs and units have be set further back than usual to accommodate snow storage.

Mayor Kelly called three times for any additional speakers. Hearing none, it was **MOVED by Councillor Meade, seconded by Councillor Karsten that the public hearing be closed. MOTION PUT AND PASSED.**

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

1. **Approve the proposed amendments to the Bedford Municipal Planning Strategy as presented in Attachment "A" of the staff report dated April 24, 2008; and**
2. **Establish funding under the Municipality's Capital Budget Plan for the construction of a regional trail system across the Bedford West lands.**

MOTION PUT AND PASSED.

Council recessed at 6:55 p.m.

Council reconvened at 7:09 p.m. with the same members present with the exception of Councillors McInroy and Meade.

MOVED BY Councillor Sloane, seconded by Councillor Younger, that item 9.3 Case 00930 - Municipal Planning Strategy and Land Use By-Law Amendment for 6955 Bayers Road, Halifax be deferred until August 12, 2008. MOTION PUT AND PASSED.

It was noted that this public hearing would be re advertised.

Councillor Smith exited the meeting at 7:10; advising Council that he was required to attend another meeting in District 9 and hoped to return.

9.2 Case 00798 - Dartmouth Marine Slips Re-development

- A copy of the Fares Real Estate Inc. information was before Council.
- An extract of the draft Regional Council minutes of June 17, 2008 was before Council.
- A Memorandum dated June 16, 2008 from David Lane, Senior Planner, to Regional Council, was before Council.
- A staff report dated May 29, 2008 was before Council.
- A report from the Harbour East Community Council dated June 6, 2008 was before Council.

Written submissions were received from the following persons copies of which were circulated to Council: Jean Chard, Dartmouth; Philip Pacey, President, Heritage Trust of Nova Scotia; Phil Wilson, Dartmouth; Kelly Powell; Myles D. MacKinnon, Dartmouth; Jack Rossi, Dartmouth; Marlene Lariviere, Dartmouth, Shelley Goodson, Dartmouth, Ron Hollett, Barbara Hart, Dartmouth, Steve Kimball, Dartmouth, Mike Seaman, Eastern Passage, Bert Dickey, Dartmouth, Don Fancy, Dartmouth, Greg Simon, Dartmouth, Janice Foote, Dartmouth, Ross Thorpe, Dartmouth, Carol Anne Ando, Dartmouth, Jim MacGowan, Halifax, Chris May, Dartmouth, Roger Eckoldt, Dartmouth, Betty Josey, Dartmouth, Jim Mills, Dartmouth, Joan Dickey, Dartmouth, Tim Oldfield, Dartmouth, Darren Mitchell, Halifax/Dartmouth, Keith Ramey, Dartmouth, Tim Ramey, Dartmouth, Marilyn Ramey, Dartmouth, Shelley Ramey, Dartmouth, Gary Ramey, Dartmouth, Sylvia Frank, Dartmouth, Lionel and Lily Conrod, Dartmouth, Steve Horswill, Dartmouth, Veronica Leonard, Dartmouth, Peter Bugden, Emile Touesnard,

Dartmouth, Gerry and Susan Pring, Fredrick W. Chenhall, Dartmouth, Camille Toulany, Dartmouth, Terry Fewer, Dartmouth, Dr. Jans Ellefsen, Dartmouth, David Conrod, Dartmouth, Kim Conrad, Dartmouth, Mike Savage, MP Dartmouth - Cole Harbour, Vern Clarke, Dartmouth, Robert Frame, Dartmouth, Christine Atkins, Dartmouth, George Chedrawy, Jacob Risk, Bruce Hetherington, Dartmouth, Kelly Hayes, Dartmouth, Sharon Farrell, Dartmouth, Donald Theriault, Dartmouth, Dorcas Gerrior, Dartmouth, Jim Garland, Dartmouth, Kim George, Dartmouth, John R. Campbell, Dartmouth, Yvonne Bertrand, Dartmouth, Robert MacLeod, David Arsenault, Middle Sackville, Carl Baker, Bedford.

Mr. David Lane, Senior Planner, provided a presentation. Highlights were as follows:

- C The proposed development would be a mixed use opportunity site and would include parks, hotels and commercial and residential areas;
- C The site's waterfront location would provide increased access to the harbour and public activities;
- C Staff supports the proposed view corridor amendments which would enable higher heights for three (3) buildings within the view plane shadow;
- C The Regional Plan Advisory Committee considered the amendments and recommended favourable support;
- C The proposed development will be pedestrian oriented with the use of underground parking;
- C The total development area will be approximately six thousand (6000) square feet.

Ms. Margo Young, Proponent and Planner for EDM Environmental Design Limited, provided further information on the Dartmouth Marine Slips Re-development. Highlights were as follows:

- Federal and provincial counterparts have also been involved with this project;
- Special care has been taken with regards to the view planes in the Hazelhurst neighbourhood;
- The proposal includes three (3) public accesses down to the waterfront area;
- The development is intended to be energy sustainable with ocean water being used for cooling and stormwater being used on the gardens.

Mayor Kelly reviewed the Rules of Procedure for Public Hearings and opened the hearing for anyone wishing to speak.

Ms. Jill Brogan, Dartmouth, indicated that she fully supported the project and believed that it would be a wonderful thing for all residents of Dartmouth and throughout HRM. As a long term resident of Dartmouth, she advised that she was

willing to lose some of her view of the harbour as she appreciated this opportunity for positive development and would rather not look at the ugly, salvaged buildings which were currently in the area. In closing, Ms. Brogan noted that the development would allow public access to the waterfront where there was no provision before and urged residents and Council to consider it.

Ms. Marge Gibbons, Dartmouth, indicated that she had been a resident of Dartmouth for seventy (70) years and urged Council to support Mr. Fares' development. She expressed her dismay at the bad reputation Dartmouth had received over the years; being referred to as the 'darkside' and believed that the proposed development would help put industry back where it used to be. She stated that even though she would lose her view of the harbour she did not mind as it was for the good of the community. In closing, Ms. Gibbons urged Council to turn the lights on the 'darkside'.

Mr. Brad Smith, Dartmouth, stated that the proposed development fit in with both the Regional Plan as well as HRM by Design and that residents fully supported the project. He noted the tax revenue that the project would generate as well as the value of access to the waterfront. He indicated that it would create community development and would be great for the whole region as it was an iconic project. In closing, Mr. Smith advised that he fully supported the development.

Mr. Patrick LeRoy, Halifax, stated that the project would be an unprecedented positive change in the area and was pleased that the developer had addressed all environmental concerns. He found it curious that Heritage Trust had waited until now, the fourth meeting, to speak out against the devolvement and believed them to be out of touch and insensitive to the needs of the public as they had never voiced concern regarding other Dartmouth heritage buildings. Mr. LeRoy stated that there had been thoughtful public consideration for the project, that it would provide jobs and new local retail opportunities and that the residents and merchants of downtown Dartmouth were in favour of it. He requested Council's approval of the project.

Mr. Fred Morley, Halifax, advised that he was a member of the executive for the Greater Halifax Partnership. He spoke to the economic benefits of the project as it would create six hundred and fifty (650) jobs in construction every year and would generate five million (5,000,000) dollars each year upon its completion. He stated that it was not very often that a downtown development of this size was provided at no cost to the municipality and urged Council to not take this opportunity for growth for granted. In closing, Mr. Morley stated that he was in support of the development.

Mr. Eric Llewellyn, Dartmouth, advised that the citizens of Dartmouth welcomed change. He was aware of the natural flushing action which had improved water quality in the harbour and hoped that it would help Dartmouth Cove and noted that the high

cost of gas would cause residents to travel shorter distances and make more use of the harbour. He stated that his one concern was with the height of the tower effecting view planes and hoped that would be taken into consideration.

Mr. Tony May, Dartmouth, advised that he was representing the residents from 30-35 Edward Street and that they were all in total support of this world class project and looked forward to economic change and new businesses as a result.

Mr. Clive Mason, Dartmouth, indicated that he had been a resident of Dartmouth for forty four (44) years and had lived in the downtown area for twenty two (22). He stated that he was opposed to the development as it would mean filling in another 1.8 acres of the harbour and that the municipal government was the only level of government who could control this in filling. Mr. Mason also objected to the height of the buildings as he believed that taking away restrictions made a mockery of the existing downtown plan. He believed that the development should be scaled down and put more in keeping with the density of neighbourhoods as there was already a great deal of vacant land and existing buildings which could be developed. In closing, Mr. Mason stated that he did want development in the downtown area, however, he wished it to occur without impacting the environment and hoped that Council would keep the existing plan.

Mr. Brian Doherty, Dartmouth, commended Council for the steps they had taken in protecting the North West Arm from pollution and he advised that both Dartmouth Cove and the waterfront should be afforded the same consideration. He stated that the development would have negative impacts on the millions of dollars HRM had already spent on the harbour clean up project and did not think that the project was in any way advisable as a result of this. He noted that the view planes from the hills were important historical and cultural assets and that the project would destroy the natural heritage of these areas. He expressed his concerns regarding in filling and the environmental impact it would have stating that he would rather see developers pursue the protection of existing sites while following existing policies. In closing, Mr. Doherty urged Council to preserve the protection of natural heritage and stated that view planes should not be changed if all the property owners have not been notified.

Mr. Steve Lionais, Halifax, indicated that he had been living in Halifax for just over ten (10) years and had only visited downtown Dartmouth once prior to his friends moving there. He stated that since they had been living in Dartmouth his views had changed and he now enjoyed spending time there. He advised that the proposed development would give him all the more reason to visit and possibly even work in downtown Dartmouth and indicated that he supported the project.

Ms. Tori Jarvis, Halifax, indicated that she was the Chair of the Fusion Urban Development Committee, however, she advised that she would not be speaking for all

members. She stated that she wished to become an active member of making sustainable and beautiful development for the municipality and believed that approving this project would be a step in the right direction in regenerating downtown Dartmouth.

Mr. Mike Brown, Halifax, indicated that he was a member of the Fusion Urban Development Committee and he also worked at a development firm. He stated that in his line of work, tenants and businesses overlook Dartmouth approximately eight (8) times out of ten (10) due to a lack of availability for real estate in the downtown core and a general lack of amenities. Mr. Brown believed that the new development would help local retailers and bring new life to the area and noted that he was in support of the proposal.

Mr. Adam Conter, Halifax, stated that he was a twenty five (25) year resident of Halifax and since the areas were amalgamated when he spoke in favour of development in Halifax he was also speaking in favour of development in its sister city of Dartmouth. He noted that the amount of youth in the room would suggest that there was an ample amount of those who would chose to live their life here and he requested Council's approval of the development. Mr. Conter spoke to those concerned with view planes and historic photos and noted that soon people would be turning their camera lenses towards Dartmouth rather than at Halifax. He was also impressed by the proposed one hundred and sixty (160) square kilometres of parkland as he saw it as a significant voluntary contribution as well as allowing for a more sustainable community.

Mr. Paul MacKinnon, Halifax, indicated that he was the executive director of the Downtown Halifax Business Commission and although it was not the Commission's practice to comment on what happens outside of downtown Halifax they saw Kings Wharf as being a very exciting development which would be beneficial to Halifax as well as Dartmouth. He stated that there would soon be an influx of new office workers in the three (3) new Halifax developments and noted that Kings Wharf would be an excellent place for them to reside; particularly if a water taxi is implemented. Mr. MacKinnon advised that he was in support of the proposal and felt that it would generate visitors to the waterfront in the same manner which Bishop's Landing did for Halifax.

Council recessed at 8:18 p.m.

Council reconvened at 8:30 p.m. with the same members present with the exception of Councillors Smith and Meade.

Mr. Peter Moorhouse, Bedford, indicated that he was the founder and current chair of Fusion Halifax, however, he advised that he would not be speaking for all members. He stated that he was in support of the development as HRM should be a place for

young working people to build lives and careers as he heard daily from Fusion members of their desire to live closer to downtown in order to lead more sustainable lives. Mr. Moorhouse believed that Kings Wharf could grant those wishes and inject a new life into a community that needed it. In closing, he stated that the good of the greater community warranted changes being made to existing guidelines.

Mr. Bill Greateorex, Dartmouth, indicated that as the president of the Brightwood Golf and Country Club he had previous concerns with the proposed development obstructing views of Halifax from the golf course. He commended HRM staff for making themselves available to Brightwood staff on short notice and stated that, even though views would be impacted, he did not believe the proposed buildings would effect the most important ones. He noted that he had been advised that the proposed thirty three (33) foot building was outside of the course's sight lines and requested written proof of this fact. In closing, Mr. Greateorex stated that in recognizing that some compromise was required Brightwood endorsed the development as it was consistent with the spirit and intent of the new Regional Plan.

Mr. Scott MacKnight, Dartmouth, encouraged Council to support what he saw as a fantastic opportunity. He stated that he had lived most of his sixty (60) years in Dartmouth where he also ran an environmental consulting business. He indicated that in 1996 he was retained as the environmental consultant for the CN lands rejuvenation project in downtown Moncton which at the time, as a city, was in a very similar situation as Dartmouth. He noted that the project was now the crown jewel of Moncton and felt that Kings Wharf would have the same impact on Dartmouth. As an owner of one of the few remaining historic houses in downtown Dartmouth, Mr. MacKnight felt that the project was compatible and that it was possible to have a nice combination of new and old developments. In closing, he stated that, as an environmentalist he did not like commuting and believed that the Kings Wharf development would help alleviate this.

Mr. Jason Brachvogel, Dartmouth, stated that he concurred with the other heartfelt presentations in support of the development. He noted that while he was not originally from Dartmouth he had chosen to live there for fourteen (14) years and work for a local media company. Mr. Brachvogel indicated that he had moved to HRM at a time when it had great potential and in closing, stated that he was confident that the development would move forward and hoped it would.

Ms. Helen Foote, Dartmouth, advised that the public hearing should not be dedicated to yea or nay for the project but rather the statement that the residents of Dartmouth were interested in appropriate development. Ms. Foote did not believe that the project was of the right size or scale nor was it consistent with existing plan guidelines and view planes. She stated that Council should be considering what the appropriate amount of development was for existing lots and for a reasonable mixed use

development; noting that Bishop's Landing was a prime example. Ms. Foote indicated that she lived across from the Marine Slips and had no problem with her view of Dominion and Secunda as they were typical sites of a working harbour. In closing, she advised that she was against the proposal and although she had no problem with development under a proper size she believed this project to be beyond the scale of anything envisioned by those who had developed the current policies.

Mr. Don Lane, Dartmouth, concurred with everything that Ms. Foote had said and advised that had also submitted an e-mail for the record. He stated that he was against the project in its entirety and had concerns along with one hundred and fifty (150) other residents over landfill in the harbour. He noted that construction would cause more than five to ten years of constant traffic, trucks, dirt and noise for the area. In closing, Mr. Lane indicated that he was not in total objection to the project, however, he felt that it should respect exiting policies and view planes.

Mr. Robert Bell, Dartmouth, stated that he was in favour of the project and that it been a long time coming.

Mr. Jerry Blumenthal, Halifax, wished to congratulate Mr. Fares and EDM. He noted that when he was young, businesses in both Halifax and Dartmouth were booming, however, they were hurt by the presence of big box stores. He indicated that HRM needed development in the downtown core as it would bring hundreds of people into the area as well as create a more sustainable municipality.

Mr. Jeff McLatchy, Bedford, indicated that he was in support of the development. He stated that his business, Celtic Corner, had been in downtown Dartmouth for three busy years and noted that the area would continue to grow despite the project being approved or not, however, the development would help. He advised that HRM must recognize worthy development by encouraging private enterprise in the downtown and by sending the message that HRM was a progressive area.

Mr. Eric Burchill, Waterfront Development Corporation, Director of Planning and Development, wished to speak in favour of the project as he believed it to be a valuable asset to Dartmouth and Halifax Harbour. He stated that the Corporation had been engaged in various discussions with the developer and also wished to support phase 2 of the development.

Ms. Helen Anstey, Dartmouth, advised that she had submitted an e-mail for the record and that she was in complete agreement with what others had said in support of the development. She stated that it was about time that Dartmouth received the kind of waterfront development that Halifax had and wished to thank Mr. Fares.

Ms. Kathryn Craig, Dartmouth, stated that as someone who was originally from the South End of Halifax and had voluntarily chose to move to Dartmouth she wished to applaud Mr. Fares on his amazing development. She noted that she had been telling people for the last thirty years how great Dartmouth was for to her it was more than just a city; it was a community. In closing, Ms. Craig indicated that she wished to bring more people into the downtown area where their children could live and work.

Ms. Bonnie Shubaly, Dartmouth, stated that she fully supported the development and would love to see it go forward. She advised that three generations of her family had recently moved home to Dartmouth and they looked forward to having the waterfront development.

Dusan Soudek, Halifax, stated that he had been working in downtown Dartmouth for eighteen (18) years and over that time had seen the Marine Slips go from a busy working area to a very quiet place. He noted that he fully supported the development and although some residents would lose some view planes they would gain much more access to the waterfront. In closing, Mr. Soudek stated that he was looking forward to walking there and maybe even kayaking in the clean harbour someday.

Ms. Sarah Levy, Dartmouth, advised that she was in support of the development as it was exactly what was needed in the downtown core. She stated that it would help revitalize an area that needed it and would change the way that people view Dartmouth; noting that it was hard to argue with a project that aimed to give an additional five million (5,000,000) dollars back to residents in property taxes. In closing, Ms. Levy requested that Council support the development as well as others like it.

Mr. Gordon Simms, Dartmouth, indicated that he had moved to Dartmouth to take advantage of the lower rent in the area. He noted that he had a nice apartment, however, he was living on a dangerous section of Portland Street and since December of 2007 had seen ten (10) fights as well as a woman urinating on a building. He felt that the proposed development would help alleviate some of these problems as the area was currently stagnant.

Mr. Kevin Hall, Dartmouth, stated that as a twenty five (25) year resident of Dartmouth he was in overall favour of the development, however, he did have concerns about the height of the three hundred and sixty (360) foot tower as he thought it would a create precedence of amending view plane policies. Yet he also noted that he hoped the development would go forward as it was a beautiful building and residents needed tax relief.

Ms. Barb Curry, Dartmouth, advised that she was in favour of the development, however, she expressed concern with the height of some of the proposed buildings and

hoped that there may be a way to negotiate this throughout the development process. She requested clarification in reference to map 1 of the proposal which showed the water lots located off of Hazelhurst Street as a downtown neighbourhood area as she was under that assumption that it would then require any development in that area to reflect the neighbourhood of Hazelhurst. Ms. Curry also stated that she opposed the change in land use designation on map 2 which advised that the area would be changed from a neighbourhood to a waterfront area and that protection had been removed.

Mr. Tim Olive, Dartmouth, advised that he lived in sight of the new development and felt it important to reiterate the benefits of having it approved. He stated that it would provide much needed employment in trade and business in the area as statistics showed that every job created there had a ratio of three (3) additional jobs in the community. He noted that the development would encourage those who left the area to seek employment to return home and would help expand the already vibrant and active art and theatre community in Dartmouth. Mr. Olive noted additional benefits such as the potential implementation of water based services such as a marina, more public green space on the waterfront and the possibility of adding institutional space and creating partnerships with the new Nova Scotia Community College campus. He reiterated that the project had no issues regarding heritage and that it would meet specific goals of the Regional Plan. In closing, Mr. Olive advised that the Downtown Dartmouth Business Commission encouraged approval of the development.

Mr. Stacy Ingraham, Dartmouth, advised that as a small business owner in downtown Dartmouth he was in favour of the development as he felt that it would be transformative for the community. He stated that he had chose the area for his business as a result of the excitement generated from the proposed Kings Wharf development as it was causing business owners to invest in their properties and for the community to grow and improve. In closing, Mr. Ingraham urged Council to vote in favour of the development.

Ms. Alison Roberts, Halifax, indicated that she was speaking on behalf of the Portland Care Centre and that they were in support of the development.

Mr. Aubrey Fricker, Halifax, stated that as a thirty (30) year resident of Halifax he had felt tentative about voicing his opinion on Dartmouth, however, he loved the sister city. He advised that he had also attended a public meeting on the proposed development at Alderney Gate and that he agreed with Councillor McCluskey's comment that it was exactly what Dartmouth needed. He noted that he had been against the twisted sister development in Halifax, however, he was in favour of the development's creative and iconic design despite the height of the proposed towers. Mr. Fricker indicated that the word equivalent to 'context' in building design was 'setting' and the context of Kings

Wharf would be the harbour. He noted that Dartmouth did not have many icons and that this development could be one as he felt as though Mr. Fares' work was exactly what HRM needed.

Mr. Jonathan Lampier, Dartmouth, stated that he had lived in Dartmouth all his life and fully supported the proposal. He indicated that, presently, he would not know what to advise tourists to do in walking distance of the Dartmouth ferry; possibly get a tattoo or go to Celtic Corner. He advised that for every new shop opened downtown two (2) were lost and he did not see this as sustainable. Regarding the view planes, Mr. Lampier showed Council a photo of the great view of the harbour he had from his living room noting that with the development he would not necessarily lose the view; it would just change. In closing, he noted that the city was about change and evolving and that he embraced that.

Ms. Laurie Laderout, Dartmouth, advised that she was a resident of Admiralty Court and did not understand why anyone would want to save the garbage that the view from her window displayed of the Marine Slips. She stated that residents wanted people to come to Dartmouth and that in order to accomplish that there had to be alternate places to walk downtown other than on Portland Street as she saw the waterfront area as an underutilised cultural centre.

Mr. Tim Margolian, Halifax, indicated that he was in the commercial real estate business and that he wished to speak to the demand for office space. It was Mr. Margolian's understanding that Kings Wharf would be able to accommodate six hundred (600) to eight hundred (800) office employees which would provide a huge boom to commercial businesses in downtown Dartmouth. In closing, he stated that he was in favour of the proposal.

Mr. Kevin Gildart, Bedford, advised that he lived on the Bedford waterfront in an area created by in filling. He noted that when he had looked at the site fifteen (15) years earlier he had thought that someone would have to be out of their mind to live there, however, the area has now become a vibrant place to live. Mr. Gildart also stated that the Bedford waterfront was shared with other areas such as Fall River and Timberlea as a place to relax and he saw Kings Wharf as providing the same opportunity for Dartmouth.

Ms. Linda Forbes, Dartmouth, stated that as a resident of Dartmouth she was very pleased to see so many young people involved in the planning process. She could remember when Dartmouth Cove was quite run down and a proposal for a residential mixed use development had been turned down with the reason that there was no market for it. She stated that nobody could be against the number of people that would be going to Dartmouth Cove as a result of the development, however, she did not like

the idea that it was an all or nothing deal. Ms. Forbes felt that the scale and height of the towers needed to be addressed and was also concerned about the proposal to change view plane legislation to allow higher buildings than was currently allowed as she believed that extra views should not be cut out in anticipation of a development that may not occur. Ms. Forbes also expressed concern with manufacturing plans and how tightly the development appeared to hug the mouth of the Shubie Canal as well as the development inadvertently blocking the view plane from Sullivan's Pond. In closing, she stated that she hoped developers would take climate change into consideration with regards to building heights and their protection from high winds.

Mr. Bruce Smith, Dartmouth, indicated that he agreed with what all those in favour had already stated and that he supported the proposal.

Mr. Darryl Gerard, Dartmouth, stated that he had recently moved home from Gagetown and had been disappointed to see that downtown Dartmouth had become a disgraceful area. He noted that when crew members from other countries asked him what there was to do in Dartmouth all he could recommend was Celtic Corner or a walk up Portland Street. He urged Council to approve the development in order to attract young people and tradespeople to the downtown area as there were currently no job opportunities to deter them from leaving. In closing, Mr. Gerard stated that Council should approve this project in order to host world class events and finally have two (2) sides of the harbour.

Mr. George Clark, Dartmouth, stated that he had been working in downtown Dartmouth for fourteen (14) years and that the proposal would revitalize and regenerate the area.

Council recessed at 9:37 p.m.

Council reconvened at 9:47 p.m. with the same members present.

Mr. Phil Pacey, Halifax, advised that he was representing the Heritage Trust of Nova Scotia. He stated that the views from the hills overlooking Dartmouth Cove had been depicted by artists since the earliest days of settlement in Dartmouth and that these views had been first protected in 1974 by Dartmouth City Council. He believed that Council should seek to protect important public views such as those of the harbour, Brightwood and the Dartmouth Common. He noted that the proposed lands had been zoned for the downtown business district and while development agreements may be considered; they must also be consistent with the secondary planning strategy. He referred to the text of the plan which discussed the importance of views and plans to enhance them, however, he advised that in comparison to the height of the seventh green at the Brightwood golf course the proposed three hundred and sixty (360) foot

building would be higher than both hills and would interrupt views of both the skyline and harbour from the Dartmouth Commons. Mr. Pacey stated that he found the use of the phrase "policy permitted height" particularly troubling as he believed that the report incorrectly argued that the area had a two hundred foot (200') height permit as it was his understanding that the proposed lands were located in the Downtown Business District Zone which only permitted developments of seventy (70) feet or lower. Mr. Pacey also noted that many property owners had not been notified as part of plan 1 and urged Council to not sacrifice real views solely based on a hypothesis.

Mr. Trevor Parsons, Dartmouth, stated that, unlike Mr. Pacey, he actually lived and worked in Dartmouth; running a business from a commercial property on Portland Street. He noted that he walked across the Dartmouth Common on his way to the Sportsplex six days a week and while he realized that his view of the harbour would be comprised he realized that in life you had to give a little to get a lot.

MOVED BY Councillor Younger, seconded by Councillor Walker, that the Council meeting continue until the completion of item 9.2 . MOTION PUT AND PASSED.

Mr. Alan Ruffman, Halifax, stated that the proposed changes were not needed as he was concerned about view planes being effected and from what he understood residents being effected by this had not been notified of the public hearing as required. He recommended deleting items A, B, and C in the proposal and leaving view planes separate. Mr. Ruffman also noted that rentals had not yet reached the cost of construction and that people had been wrong about population growth numbers for one hundred (100) years. He felt that the proposed development would encourage stagnant and vacant lots and that it made a mockery of development planning in general. In closing, Mr. Ruffman stated that it would be inappropriate to approve the development.

Mr. Sean McDermott, Dartmouth, stated that he lived and worked in the neighbourhood where the proposed development was to be located and noted that, as a mariner, he felt that what Mr. Fares was proposing was better than what was currently located on the site. He noted that he and his wife owned a historic home and that he worked in a historic building, therefore, he considered himself to be an aware individual with regards to heritage, however, he did not believe that the shipyard merited protection. Mr. McDermott advised that the view plane did require change and wished to applaud and support any attempt to help the area.

Mr. Joe Metlege, Halifax, noted that, as a developer, he wished to echo the majority of support for the proposal. He stated that it may seem odd for one developer to support another, however, he had no interest in the land and was speaking as a resident. He pointed out that Halifax had a beautiful port and harbour yet few citizens lived around it. Mr. Metlege also noted that, in his experience, it was more costly to renovate than to

build new and in order to invest in existing buildings the risk was far too high. For these reasons, he advised that a development such as this was necessary. He also stated that in the past several years HRM had been able to compete against many countries for concerts and sporting events and there would now be a combined power of two cities and a complimentary port. In closing, he noted that Kings Wharf would be an excellent addition to the area.

Mr. Blair Beed, Halifax, stated that he was a member of the Heritage Trust of Nova Scotia and noted that a review of the record would show bad proposals. He wished to speak to the issue of adding height by changing view planes and view corridors as he felt that the plan was overly dense. In closing, Mr. Beed stated that there were great elements in the project, however, the amendments were asking too much.

Ms. Heather Bell, Dartmouth, stated that she had lived in Dartmouth for her whole life and planned to retire in the Hazelhurst neighbourhood. She noted that even though her view plane would be effected she would like to see the development go forward.

Mr. Dan Sheean, Dartmouth, noted that he had lived in downtown Dartmouth for eight years and although he was not opposed to redevelopment he believed that the proposal was out of scale and that the size and height did not blend well with the other downtown areas. He stated that the proposed steel and glass buildings were out of step for a historical area and indicated that redevelopment of the site should not be at the cost of what already makes Dartmouth great. In closing, he advised that a development similar to Bishop's Landing or the Bedford waterfront would be better.

Mr. Dave MacDonald, Dartmouth, stated that he had raised his family in downtown Dartmouth in addition to owning several residences and commercial properties in the area. He noted that the view plane would effect the property he owned, however, he was still in favour of the development.

Mayor Kelly called three times for any additional speakers. Hearing none, it was **MOVED by Councillor McCluskey, seconded by Councillor Karsten that the public hearing be closed. MOTION PUT AND PASSED.**

Ms. Young provided clarification for those speakers who had environmental concerns stating that the in fill had undergone extensive environmental screening. Regarding view planes, she noted that there was a problem with views as they had been defined as the harbour could not be seen from certain planes in the first place. She advised that the Dartmouth Plan was an older plan and that nothing like the development had ever been proposed there before.

Mr. Lane stated that regarding resident notification staff had followed the standard procedure for notification and that quite a broad area had been encompassed. He noted that there would be no changes to existing zones as this was a site specific policy and, therefore, would not be precedent setting.

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

- 1. Approve an amendment to the Regional Municipal Planning Strategy, Dartmouth Municipal Planning Strategy and Downtown Dartmouth Secondary Planning Strategy and Land Use By-Law as provided in Attachments "A", "B", "C" and "D" of the staff report dated May 13, 2008 attached as Attachment 1 of the May 29, 2008 Regional Plan Advisory Committee report.**
- 2. Approve the proposed amendments to the Dartmouth Viewplane and View Corridor Policy of the Regional Municipal Planning Strategy as provided in Attachment "A" of the staff report dated May 16, 2008 attached as Attachment 1 of the June 6, 2008 Harbour East Community Council report.**
- 3. Approve the proposed amendment to the Viewplane Policy of the Dartmouth Municipal Planning Strategy as provided in Attachment "B" of the staff report dated May 16, 2008 attached as Attachment 1 of the June 6, 2008 Harbour East Community Council report.**
- 4. Approve the proposed amendments to the Dartmouth Viewplane and View Corridor Policy of the Downtown Dartmouth Secondary Planning Strategy and Land Use By-Law and the addition of site specific policy as provided in Attachments "C", "D" and "E" of the staff report dated May 16, 2008 attached as Attachment 1 of the June 6, 2008 Harbour East Community Council report.**

A discussion on the motion ensued.

Councillor McCluskey stated that at a previous public meeting held in Dartmouth it was loud and clear that a vast majority of residents were in support of the proposed development, however, she also understood the concerns of those residents who had problems with the project. She stated that Dartmouth was a great city and that budding development had fallen victim to big box stores. In closing, Councillor McCluskey stated that this was a great project as it would be a catalyst for Dartmouth and encourage people to return to the downtown.

Several Councillors wished to congratulate Dartmouth on a progressive development that would revitalize the downtown area and noted that the proposal did, in fact, match the policies as outlined in the Regional Plan.

Councillor Hendsbee noted that he was curious as to what archeological items would be found when digging the development and hoped that they would be protected and displayed. He and Councillor Murphy also expressed their concerns regarding climate change issues effecting the highest tower of the development; particularly in the event of a hurricane.

Councillor Harvey hoped that the designer of the tower would choose an appropriate model as this project could either be an icon for the eastern side of the harbour or a Fenwick Tower by the sea. He stated that he would prefer two smaller towers in place of the large one and clarified that the motion before Council did not approve the tower at this point in the development process.

Regarding view planes, Councillor McCluskey noted that, as a member of the Brightwood Golf and Country Club since 1980, the views from the course would not be effected.

A recorded vote was taken on the motion.

MOTION PUT AND PASSED UNANIMOUSLY.

9.3 Case 00930 - Municipal Planning Strategy and Land Use By-Law Amendment for 6955 Bayers Road, Halifax

Due to time constraints, this item was deferred to the August 12, 2008 Regional Council session.

15. ADJOURNMENT

The meeting was adjourned at 10:51 p.m.

Julia Horncastle
Acting Municipal Clerk

The following items were added as information:

1. Memorandum from General Manager, Halifax Water dated July 2, 2008
re: 2006 / 2007 Annual Report
2. Memorandum from Director, Transportation & Public Works dated June 26, 2008
re: HRM Enhanced Maintenance Service Delivery - Capital District
3. Memorandum from Director, Transportation & Public Works dated June 17, 2008
re: Streetlight Service Level Improvements Options
4. Memorandum from Director, Community Development dated June 24, 2008
re: HRM by Design - Revised Schedule and Public Participation Program
5. Memorandum from Director, Legal Services & Risk Management dated June 26, 2008
re: Legislation at the 2008 Spring Session of Legislature
6. Memorandum from the Acting Municipal Clerk dated July 4, 2008
re: Requests for Presentation to Council - None