

HALIFAX REGIONAL COUNCIL  
MINUTES  
August 12, 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  
Tim Outhit  
Reg Rankin  
Gary Meade

REGRETS:

Councillor: Harry McInroy  
Robert Harvey

STAFF:

Mr. Wayne Anstey, Acting Chief Administrative Officer  
Ms. Mary Ellen Donovan, Municipal Solicitor  
Ms. Sheilagh Edmonds, Acting Municipal Clerk  
Ms. Barbara Coleman, Legislative Assistant  
Ms. Chris Newson, Legislative Assistant

**TABLE OF CONTENTS**

1.	INVOCATION .....	4
2.	SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS ....	15
3.	APPROVAL OF MINUTES .....	4
4.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS .....	4
5.	BUSINESS ARISING OUT OF THE MINUTES .....	4
6.	MOTIONS OF RECONSIDERATION .....	4
7.	MOTIONS OF RESCISSION .....	4
8.	CONSIDERATION OF DEFERRED BUSINESS .....	4
8.1	Western Region, Marine Drive, Valley & Canal, and North West Community Councils - Case 01076 - Municipal Planning Strategy Amendments - Beaver Bank, Hammonds Plains and Upper Sackville and Development Agreement - 1725 Hammonds Plains Road - Dog Kennels .....	4
8.2	North West Community Council - Case 01029 - Amendments to the Sackville Municipal Planning Strategy and Land Use By-Law - C-1 Zone .....	5
8.3	District 12 Planning Advisory Committee - Case 01114: Development Agreement - Hollis/Duke/Upper Water Streets .....	5
8.4	Grant Committee - Proposed By-Law T-223, An Amendment to By-Law T-200, Respecting Tax Exemptions for Non-Profit Organizations 2008 - 2009 - Renewals and Records Management .....	6
8.5	Grant Committee - HRM Community Grants Program 2008 - 2009 Appeals	6
8.6	Councillor Snow - Request for report re: Street Lighting Policy - Private Roads .....	7
8.7	Councillor Snow - Request for update re: Flyer Delivery Litter .....	7
8.8	In Camera Recommendation - Property Matter - Terence Bay .....	8
8.9	In Camera Recommendation - Property Matter - Nadia Avenue .....	8
8.10	In Camera Recommendation - Legal Matter - CN Capital Maintenance Program .....	9
8.11	Motion - Councillor Walker .....	9
9.	PUBLIC HEARINGS .....	9 & 17
9.1	Case 01136 - Amendments to the Sackville Municipal Planning Strategy and	

---

	Land Use By-Law and Regional Subdivision By-Law Service Requirement Map .....	17
9.2	Case 00930 - Municipal Planning Strategy and Land Use By-Law Amendment for 6955 Bayers Road, Halifax (deferred July 8, 2008) .....	18
10.	CORRESPONDENCE, PETITIONS & DELEGATIONS .....	9
11.	REPORTS .....	10
11.1	CHIEF ADMINISTRATIVE OFFICER .....	10
11.1.1	Heritage Gas Easement - HRM Open Space Corridor along Barrington Street, Halifax .....	10
11.1.2	Case 01046 - Development Agreement, South Park Street & Brenton Place, Halifax (Supplementary Report) .....	10
11.2	GRANT COMMITTEE .....	11
11.2.1	Less Than Market Value Property Sale - 3 Sylvia Avenue, Spryfield - Home of the Guardian Angel .....	11
11.2.2	Less Than Market Value Lease - Portion of Lot OH, Crichton Avenue, Dartmouth (PID 00094573) to Canoe Kayak Canada, Atlantic Division .....	11
12.	MOTIONS .....	11
13.	ADDED ITEMS .....	11 & 28
13.1	Council Resolution - Property Tax Due Date .....	11
13.2	Councillor Rankin - Request for Flypast .....	12
13.3	Councillor Snow - Request for report re: Expansion of Water Service Boundary .....	12
13.4	HRM Community Facility Partnership Fund, Proposed Policy and Procedures .....	13 & 28
13.5	Citizen Appointments to Boards: Committees and Commissions .	34
13.6	Halifax Central Library - Building Program and Space Requirements .....	34
13.7	Mainland Common Centre Complex .....	34
13.8	Councillor Uteck - Request for Special Parking Permits .....	36
14.	NOTICES OF MOTION .....	36
15.	ADJOURNMENT .....	37

1. **INVOCATION**

The Mayor called the meeting to order at 3:33 p.m. with the Invocation being led by Councillor Walker.

2. **SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

This item was dealt with during the evening session of Regional Council. See page 15.

3. **APPROVAL OF MINUTES - NONE**

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

- Additions:**
- 13.1 Council Resolution - Property Tax Due Date
  - 13.2 Councillor Rankin - Request for Flypast
  - 13.3 Councillor Snow - Request for report re: Expansion of Water Service Boundary
  - 13.4 HRM Community Facility Partnership Fund, Proposed Policy and Procedures
  - 13.5 Citizen Appointments to Boards: Committees and Commissions
  - 13.6 Halifax Central Library - Building Program and Space Requirements
  - 13.7 Mainland Common Centre Complex
  - 13.8 Councillor Uteck - Request for Special Parking Permits

**MOVED BY Councillor Wile, seconded by Councillor Sloane 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 **Western Region, Marine Drive, Valley & Canal, and North West Community Councils - Case 01076 - Municipal Planning Strategy Amendments - Beaver Bank, Hammonds Plains and Upper Sackville and Development Agreement - 1725 Hammonds Plains Road**

- A staff report dated May 29, 2008 was before Council.
- A joint report from the Western Region, Marine Drive Valley & Canal and North West Community Councils dated July 11, 2008 was before Council.

**MOVED by Councillor Meade, seconded by Councillor Johns that Halifax Regional Council give First Reading to the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-Law as provided in Attachments "A" and "B" of the May 29, 2008 staff report and schedule a joint public hearing with Western Region Community Council. MOTION PUT AND PASSED**

**8.2 North West Community Council - Case 01029 - Amendments to the Sackville Municipal Planning Strategy and Land Use By-Law - C-1 Zone**

- A report dated July 17, 2008 from the North West Community Council was before Council, with an attached report dated July 3, 2008 from the North West Planning Advisory Committee and a staff report dated June 17, 2008.

**MOVED by Councillor Johns, seconded by Councillor Rankin that Halifax Regional Council give First Reading to the proposed amendments to the Sackville Municipal Planning Strategy and the Land Use By-Law as provided in Attachments "A" and "B" of the staff report dated June 17, 2008 with an amendment to proposed clause (m) in Attachment "A" to state that "the architectural design is compatible with the surrounding residential neighbourhood", and schedule a public hearing. MOTION PUT AND PASSED.**

**8.3 District 12 Planning Advisory Committee - Case 01114: Development Agreement - Hollis/Duke/Upper Water Streets**

- A letter dated August 7, 2008 from Mr. A. M. McCrea, Chairman, Armour Group Limited, was before Council.
- An e-mail dated August 6, 2008 from Ms. Sharon Earle was before Council.
- An e-mail dated August 5, 2008 from Ms. Cynthia Street was before Council.
- A faxed letter dated August 4, 2008 from Ms. Pauline Carter was before Council.
- A report dated July 10, 2008 from the District 12 Planning Advisory Committee was before Council.
- An Information Report dated July 24, 2008 from the Heritage Advisory Committee was before Council.
- A staff report dated July 11, 2008 was before Council.

**MOVED by Councillor Uteck, seconded by Councillor McCluskey that Halifax Regional Council move Notice of Motion to consider the Development Agreement, as contained in Attachment "A" of the June 16, 2008 staff report, to allow for the redevelopment of 1855 - 1873 Hollis Street, 1860 - 1870 Upper Water Street and 5143 Duke Street, Halifax, and schedule a public hearing. MOTION PUT AND PASSED**

**8.4 Grant Committee - Proposed By-Law T-223, An Amendment to By-Law T-200, Respecting Tax Exemptions for Non-Profit Organizations 2008 - 2009 - Renewals and Records Management**

- A report dated July 25, 2008 from the Grants Committee was before Council, with an attached staff report dated June 23, 2008.

**MOVED by Councillor Walker , seconded by Councillor Karsten that Halifax Regional Council approve in principle By-Law T-223, Respecting Tax Exemption for Non Profit Organizations 2008 - 2009 - Renewals and Records Management as outlined in the staff report dated June 23, 2008 and set a public hearing date. MOTION PUT AND PASSED**

**8.5 Grant Committee - HRM Community Grants Program 2008 - 2009 Appeals**

- A report dated July 24, 2008 from the Grants Committee was before Council, with an attached staff report date June 23, 2008.

**MOVED by Councillor Walker, seconded by Councillor Outhit that Halifax Regional Council approve the staff recommendation to award one-time grants to St. John's Anglican Church Hall (\$5,000), Moser River and Area Historical Society (\$2,000), Nova Scotia Sea School (\$3,750), and Metro Non-Profit Housing Association (\$25,000), for a combined total of \$35,750 from account M311- 8004.**

In response to a question by Councillor Streach re: the Islamic Memorial Society and the decision of Grant Committee to, upon appeal, refuse the funding of building of the Islamic Settlements Log house, Ms. Temple explained that there were certain costs that were built into their proposal that would not have been eligible for funding, such as paying rent for the lease of the land from the province. Ms. Temple advised that she had followed up with the applicants and had advised them what was needed to be included in the application in order for the Committee to positively assess it for next year.

Councillor Walker noted that the grants before Council now, were appealed and were reconsidered by the Committee.

In response to a question by Councillor McCluskey as to why the Eastern Front Theatre was declined for funding, Ms. Temple responded that the initial request pertained to a festival. She added that staff redirected the applicant to the proper department; Ms. Temple further advised that if the Eastern Front Theatre decided next year to tour with the play, they would be eligible for consideration of funding by the Committee.

**MOTION PUT AND PASSED**

**8.6 Councillor Snow - Request for report re: Street Lighting Policy - Private Roads**

**MOVED by Councillor Snow, seconded by Councillor Sloane that Staff provide an Information Report on the feasibility of including private roads in HRM's Street Lighting Policy. MOTION PUT AND PASSED**

**8.7 Councillor Snow - Request for update re: Flyer Delivery Litter**

Councillor Snow addressed the matter stating that these flyers are making a mess of the community. She stated that the flyers often end up in steep ditches in front of the homes of her residents; many of whom are elderly and can not climb into these ditches. The Councillor noted that Distributers of these flyers are regulated by policy not to leave the second set of flyers if the original set have not been picked up; however, the flyers are still being delivered. Calls to the Industry to discontinue the delivery of the flyers are being ignored. Councillor Snow suggested that these flyers might be banned.

In response, the Municipal Solicitor stated Legal Services has reviewed and determined it is the responsibility of the Department of Environment. She added that the residents should contact the Department of Environment or their MLA.

Councillor Snow requested staff to consider if a by-law could be created to rid HRM of this problem.

**MOVED by Councillor Snow, seconded by Councillor Sloane that staff provide a report on whether there is a current by-law that would address the problem of Flyer Delivery Litter or if a new one could be created to address the problem.**

Councillor Rankin asked that there be confirmation with the province that they will work pro actively to rid HRM of this problem.

In response to the Mayor's question, the Municipal Solicitor advised Council that the report can be brought back at the next meeting.

**MOTION PUT AND PASSED**

**8.8 In Camera Recommendation - Property Matter - Terence Bay**

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

- 1. Approve a withdrawal from the Parkland Reserve Account Q107 as per the Budget Implications section of the Private and Confidential report dated July 22, 2008, to facilitate the acquisition of the property known as 1030 Terrence Bay Road, PID #00384834 and PID #40501124, as per the terms and conditions section of the Private and Confidential report dated July 22, 2008.**
- 2. Approve a budget increase of \$149,519.43 (net HST included) in Capital Account CPX0107 - New Parkland Development 08/09 funded from Q107 Parkland Reserve.**
- 3. Authorize the Mayor and the Municipal Clerk to execute the required Purchase and Sale Agreement.**
- 4. Not release the Private and Confidential report dated July 22, 2008 until the transaction has closed.**

**MOTION PUT AND PASSED**

**8.9 In Camera Recommendation - Property Matter - Nadia Avenue**

**MOVED by Councillor Karsten, seconded by Councillor McCluskey that Halifax Regional Council:**

- 1. Approve a new capital project to facilitate the acquisition of Lot N28 Nadia Drive Dartmouth as per the terms and conditions section of the Private and Confidential Report dated July 22, 2008;**
- 2. Approve an unbudgeted reserve withdrawal from the Sale of Capital Assets Account Q101 as per the Budget Implications of the Private and Confidential report dated July 22, 2008;**
- 3. Authorize the Mayor and the Municipal Clerk to execute the required Purchase and Sale Agreement, and;**



4. **Not Release the Private and Confidential report dated July 22, 2008 until the transaction has closed.**

**MOTION PUT AND PASSED**

**8.10 In Camera Recommendation - Legal Matter - CN Capital Maintenance Program**

**MOVED by Councillor Fougere, seconded by Councillor Wile that the Mayor write the Chairman, President, CEO, Board of Directors and General Council of CN, copying the Federal Minister of Transportation expressing concern with respect to the conditions of the CN Bridges and Subway Infrastructure in HRM. MOTION PUT AND PASSED**

- 8.11 **Motion - Councillor Walker** - "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."

**MOVED by Councillor Walker, seconded by Councillor Karsten that Staff provide a report on the implementation of a By-Law banning the sale of fireworks in HRM.**

In response to a question, the Municipal Solicitor advised Council that fireworks could not be banned. She further advised that staff could look at what is being done in other municipalities across the country or what other solutions there may be that HRM has not considered yet, in the report.

In response to a question, Council was advised that firecrackers were also included as fireworks.

During discussion of Council, the following points were brought forth to be addressed in the report:

1. How other municipalities are dealing with situation,
2. Use of permits,
3. Restrictions on the use and sale of fireworks,
4. Age of users,
5. Point of sale and where they are being sold, and
6. Why the noise bylaw is not dealing with this issue.

**MOTION PUT AND PASSED**

**9. PUBLIC HEARINGS**

This item was dealt with during the evening portion of Council. See page 17.

**10. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**10.1 Correspondence - None**

**10.2 Petitions**

**10.2.1 District 12 Planning Advisory Committee - Case 01114: Development Agreement - Hollis/Duke/Upper Water Streets**

Councillor Sloane submitted a petition containing over 200 signatures on behalf of the residents who are opposed to the redevelopment.

**11. REPORTS**

**11.1 CHIEF ADMINISTRATIVE OFFICER**

**11.1.1 Heritage Gas Easement - HRM Open Space Corridor along Barrington Place, Halifax**

- A staff report dated July 28, 2008 was before Council.

**MOVED by Councillor Murphy, seconded by Councillor Fougere that Halifax Regional Council:**

- 1. Authorize the Mayor and Municipal Clerk to enter into an Easement Agreement between HRM and Heritage Gas for the purpose of developing their natural gas pipeline along the Open Space Corridor along Barrington Street as per the terms and conditions of the report dated July 28, 2008.**
- 2. Authorize an increase to Capital Account CPX01032 Regional Trails Active Transportation for \$170,971 as per the budget implications section of the report dated July 28, 2008.**

**MOTION PUT AND PASSED**

**11.1.2 Case 01046 - Development Agreement, South Park Street & Brenton Place, Halifax**

- A Supplementary Report dated July 14, 2008 was before Council.

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

1. **Approve the development agreement, as contained in Attachment “A”, to allow for a 19-storey mixed use residential/commercial building on the northeast corner of South Park Street and Brenton Place, Halifax.**
2. **Require that the development agreement be signed and returned within 120 days, or any extension thereof granted by Regional Council on request of the Applicant, from the date of final approval by Regional Council or any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED**

**11.2            GRANT COMMITTEE**

**11.2.1        Less Than Market Value Property Sale - 3 Sylvia Avenue, Spryfield - Home of the Guardian Angel**

- A report dated July 24, 2008 from the Grant Committee was before Council.

**MOVED by Deputy Mayor Adams, seconded by Councillor Johns that Halifax Regional Council to set a date for a public hearing to consider the Less Than Market Value Property Sale - 3 Sylvia Avenue, Spryfield - Home of the Guardian Angel.**

**MOTION PUT AND PASSED**

**11.2.2        Less Than Market Value Lease - Portion of Lot OH, Crichton Avenue, Dartmouth (PID 00094573) to Canoe Kayak Canada, Atlantic Division**

- A report dated July 24, 2008 from the Grant Committee was before Council.

**MOVED by Councillor McCluskey, seconded by Councillor Hum that Halifax Regional Council approve the staff recommendation to enter into a less than market value lease agreement with Canoe Kayak Canada: Atlantic Division as per the terms and conditions set out in the Discussion section of the staff report dated June 30, 2008.**

**MOTION PUT AND PASSED**

**12.            MOTIONS: None**

13. ADDED ITEMS

13.1 Council Resolution - Property Tax Due Date

A report dated August 11, 2008 was circulated to Council.

**MOVED by Councillor Walker, seconded by Councillor Sloane that if required Council provide the authority to the Chief Administrative Officer to extend the due date for the 2008-2009 property tax bill to no later than October 31<sup>st</sup>, 2008.**

Ms. Geri Kaiser, Deputy CAO, gave a brief overview of the report. She explained that the due date for tax bills was the last working day of September but due to some glitches in the new software to collect the revenues, and possible lateness of the mailing of the tax bills, the report was requesting that Council give the CAO authorization to extend the due date of the tax bill, should the need arise. Ms. Kaiser responded to questions of Council.

**MOTION PUT AND PASSED**

13.2 Councillor Rankin - Request for Flypast

**MOVED by Councillor Rankin, seconded by Councillor Sloane that Halifax Regional Municipality approve a fly-over during the Great Community Festival on August 23, 2008 at the location of Brookside Junior High and a letter be provided to indicate such permission.**

**MOTION PUT AND PASSED.**

13.3 Request for Report re: Expansion of Water Service Boundary.

**MOVED by Councillor Snow, seconded by Councillor Karsten that staff explore the feasibility of including the Rivendale Monarch Subdivision and the approved plans for the new Raymar development (60 lots) at the top of the subdivision in the water service boundary area; and the feasibility of including the Barrett lands of Windgate Drive within the water service boundary area.**

Councillor Johns requested that the report cover the implications for residents of District 19 for those areas that do not have existing services. He noted that these residents are experiencing environmental problems due to sour septic tanks. He further requested the report look into any consequences that the change in the Water Service Boundary for District 2 might have on Old Sackville Rd., Orchard Dr., Monarch Dr. and Middle Sackville.

Councillor Snow clarified the request for a report is for water only, not sewer.

**MOVED by Councillor Meade, seconded by Councillor Walker the motion be amended to include in the report the feasibility of including the Maplewood subdivision, the portion of the Kingswood subdivision not currently on water, and the Hammonds Plains Rd, from Lucasville Rd to the Yankeetown Rd within the Water Service Boundary. MOTION PUT AND PASSED.**

Councillor Snow advised Council that the need for the report is time-sensitive and requested that her motion be separated from Councillor Meade's motion.

**MOVED by Councillor Snow, seconded by Councillor Karsten that staff:**

- 1.a Explore the feasibility of including the Rivendale Monarch Subdivision and the approved plans for the new Raymar development (60 lots) at the top of the subdivision in the water service boundary area; and**
- 1.b The feasibility of including the Barrett lands of Windgate Drive within the water service boundary area.**

**MOTION PUT AND PASSED .**

**MOVED by Councillor Meade, seconded by Councillor Walker that staff explore the the feasibility of including the Maplewood subdivision, the portion of the Kingswood subdivision not currently on water, and the Hammonds Plains Rd, from Lucasville Rd to the Yankeetown Rd within the Water Service Boundary. MOTION PUT AND PASSED**

#### **13.4 HRM Community Partnerships Fund, Proposed Policy and Procedures**

This matter was dealt with at an In Camera session held earlier on this date, at which time Council agreed to move it to the regular Council Agenda for discussion.

- A report dated July 22, 2008 was before Council.

Councillor McCluskey advised that before she could consider this matter, she would like to receive the evaluation sheets for review. Ms. Cathie O'Toole, Director, Infrastructure and Asset Management advised that the Evaluation Sheets were unavailable at this time but that Staff could address the issue.

Councillor McCluskey suggested that this matter be deferred until such time as Council could review the evaluation sheets for each of the applicants.

Ms. O'Toole provided a presentation to Council noting the following:

- Prior to amalgamation - no formal process, sometimes done through the budget process, multi-year approach; post amalgamation - *Capital Pledges Program* to carry out commitments made by former municipalities.
- \$1,000,000 allocated for Community Grants - Community Owned Facilities and \$700,000 allocated for Community Facilities (HRM Owned)
- Funding requests to date are Pier 21, Farmer's Market, NASCAD, St. Mary's, LDRA, Soccer Nova Scotia

Ms. O'Toole reviewed the Policy Aim; the Policy principles; qualifications for funding; and the evaluation criteria of the Community Partnership Fund.

The presentation entailed the evaluation used for the Farmer's Market noting the environmental innovation, economic impact, cultural impact, and the fiscal management and partnerships of this request.

Ms. O'Toole requested direction for the 2008/2009 process noting the following:

- there needs to be transparent criteria and processes around evaluation of funding requests
- how should the funding be done - develop a multi year strategy, fund only in years where capacity exists, or prioritize against HRM's own infrastructure needs

Ms. O'Toole went on to explain that in a Go-Forward approach, HRM would need to decide if funding would be done in future years based on funding availability; on an ad-hoc basis through the annual budget, or if a multi-year strategy would be developed.

She explained the proposed approach would be:

- Approve distribution of \$1,000,000 in 2008/09 to Halifax Port Corporation for leasehold Improvements re: Farmer's Market, and what next steps are needed.
- Approve policy and procedures for establishment of Community Infrastructure Fund.
- Develop multi-year funding strategy and return to Council for approval prior to 2009/10 budget process

Next steps would include:

- Develop multi-year funding strategy
- Add Community Partnerships Fund to Grants Program materials
- Call for applications in Fall 2008 for 09/10 Fiscal Year
- Review according to policy and procedures approved by Council
- Over-sight to be provided by Grants Committee

Councillor McCluskey requested a copy of the evaluation sheets for the three applications, Pier 21, Farmer's Market, and NASCAD. She advised Council that the Farmer's Market is a private enterprise; however, HRM has many HRM owned establishments that need money, including paddling clubs.

**MOVED by Councillor McCluskey, seconded Councillor Karsten that this matter be deferred until Council can review the evaluation sheets.**

Ms. O'Toole and Mr. Andrew Whittemore, Manager, Community Relations, Community Development, reviewed the scores of the evaluation sheets and responded to questions. Councillor McCluskey advised that she would **withdraw her motion to defer**.

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

- 1. Approve the proposed HRM Community Facility Partnership Fund policies and procedures as detailed in Attachment 2 of the report dated July 22, 2008;**
- 2. Authorize a one million dollar grant in fiscal year 2008/09, to the Halifax Port Authority, or its designate for leasehold improvements associated with the Farmer's Market development, from Account # CBX01147 as per the budget implications section of the report dated July 22, 2008 and pending a detailed review of the terms and conditions of funding.**
- 3. Pending financial review from staff, authorize \$1,000,000 funding for the next four (4) subsequent years.**

Staff responded to questions.

Due to time constraints, this matter was deferred to later in the meeting. See page 28.

Council recessed at 5:05 p.m.

Council reconvened at 6:03 p.m. with Councillor Smith in attendance.

## **2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

Councillor McInroy advised that the Cole Harbour Harvest Festival would be taking place on Saturday, September 13, 2008 from 9:00 a.m. to midnight. It includes a one and six-mile run, farmers market, outdoor music featuring local talent and other events including fireworks at 10:00 p.m.

Councillor Johns announced that the outdoor concert, Weir Rockin', would be held on Saturday, August 23, 2008 at Weir Field, Middle Sackville. Entertainment provided by Chilliwack, Haywire, Under the Sun and John Mullane.

Councillor Streach announced the 124<sup>th</sup> annual Halifax County Exhibition to be held from August 13<sup>th</sup> to 16<sup>th</sup> in Middle Musquodoboit. The 30<sup>th</sup> annual Clam Harbour Sand Castle Contest will be held on Sunday, August 17<sup>th</sup>; opening ceremonies at 10:00 a.m. He further advised that he had attended the \$2 million infrastructure announcement that morning with Mr. Bill Casey, MP and The Honourable Minister Peter McKay in regard to the Middle Musquodoboit Water System Upgrades.

Councillor McCluskey announced that the National Canoe Kayak Championships would be held on Lake Banook on August 27, 2008. She congratulated all the paddling clubs for their participation.

Councillor Rankin announced the Great Community Festival 2008, a fundraising event for the Prospect Road Community Centre, to be held on Saturday, August 23, 2008 from 12:00 p.m. to 1:00 a.m. at the Brookside Junior High Athletic Fields. Entertainment provided by Richards & Antoniac, GLORYHOUND & The Sky Hawks, Blast From the Past, Union 24, Trevor Probert (Dj), Kate Milton from Z-103 (Dj). He requested that there be a link to this event on the HRM website. He also announced the 2<sup>nd</sup> Rural Harmony Run, sponsored by the national organization, to be held on Wednesday, September 3, 2008. The website for this event is [www.ruralharmonyrun.org](http://www.ruralharmonyrun.org). He requested that HRM also reference this web address on the HRM website.

Councillor Outhit acknowledged Matthew LeMoine, one of five recipients from Canada, who received the All Around Humanitarian award presented at the United Nations in New York. He also acknowledged Jake Gallagher, a Bedford, Nova Scotia native who is majoring in economics at Yale University and is the Captain of the Yale University Track & Field Team. Councillor Outhit thanked the Annapolis Group for resodding/cleaning up the Papermill Beach area.

Deputy Mayor Adams announced the 10<sup>th</sup> Sambro Sou'West Days to be held from August 15<sup>th</sup> - 17<sup>th</sup> in the Sambro area. Dances, dory races, parade and fireworks are all part of the planned festivities. There will be free transportation in the Sambro Loop area for the dance.

Councillor Murphy acknowledged regional baseball coaches and the recent improvements to the ballfields. He also thanked Councillors Wile, Meade, Smith and Uteck for participating in the Access-A-Bus BBQ on Saturday.

Councillor Smith announced the *Dartmouth Has Talent* event held each Wednesday evening in the Dartmouth North Community Centre commencing at 7:00 p.m. The North Dartmouth Drama Society sign-up commences on Saturday, September 21<sup>st</sup> at 7:00 p.m. at Farrell Hall.



Midnight Basketball continues every Tuesday night with a special guest speaker from the Premier's office in attendance for 8:30 this evening. There will be a Community BBQ on Pinecrest Drive, Dartmouth on Saturday, August 15<sup>th</sup> at noon. There will be bush planting taking place along the front of some Pinecrest Drive properties.

Councillor Mosher announced that two community meetings have been held with residents of Stoneridge on the Park resulting in the development of a master plan. A project will be started shortly with funding from the District 17 Capital Fund and existing funds from the Developer. More information will be available on her website [www.lindamosher.ca](http://www.lindamosher.ca). She announced the 2<sup>nd</sup> annual *Nuts For Ribs* event to be held on Saturday, August 23<sup>rd</sup> in DeWolfe Park, Bedford. There will be several bands on site. Councillor Mosher advised that she was searching for judges to assist with the rib eating contest. She acknowledged Mr. Michael Kidd who has been working tirelessly to make the event a reality.

Councillor Barkhouse advised that a Community Tea would be held on Thursday, August 14, 2008 commencing at 2:00 p.m. in Cow Bay. On August 18<sup>th</sup>, the National Lawn Bowling Championships will be held in Woodside commencing at 9:00 a.m. She thanked Mayor Kelly and Councillor Fougere for participating in the Eastern Passage Summer Carnival event.

Councillor Hum acknowledged the announcement made on Wednesday, August 6<sup>th</sup> at the Keshen Goodman Library by The Honourable Ministers Barry Barnett, Peter McKay, Premier Rodney MacDonald and attended by Mayor Kelly and various Councillors in regard to the \$12 million in shared funding from the three government levels in support of the Mainland Common Facility. A public open house will be held on Wednesday, August 20, 2008 from 3:00 p.m. to 8:00 p.m. at the Keshen Goodman Library in regard to the Mainland Common Master Plan and facilities. HRM staff will be in attendance.

Councillor McCluskey announced the 3<sup>rd</sup> Annual Welcoming Communities Potluck and BBQ to be held at Sullivans Pond on Saturday, August 16<sup>th</sup> from 11:00 a.m. to 2:00 p.m. In case of rain, the event will be held at the Findley Centre, Elliot Street, Dartmouth. Everyone is welcome to attend and bring along their favourite dish.

Councillor Younger thanked all those involved with the opening of the East Dartmouth Community Centre and advised that programming would commence in September 2008.

Councillor Hendsbee congratulated the organizers of Lakeshore Days held in Porter's Lake last weekend. He acknowledged the following upcoming events: Lawrencetown Fun Days, Mineville Shanghai Willy Days and the East Chezzetcook Fair.

## **9. PUBLIC HEARINGS**

### **9.1 Case 01136 - Amendments to the Sackville Municipal Planning Strategy and Land Use By-Law and Regional Subdivision By-Law Service Requirement Map**

- An e-mail dated August 1, 2008 from B. L. Crandall, Lower Sackville, was before Council.
- An extract of the June 24, 2008 Regional Council minutes was before Council.
- A staff report dated June 17, 2008 was before Council.
- A copy of the PowerPoint presentation was before Council.

Mr. Andrew Bone, Senior Planner, presented the report.

In response to Councillor Younger's concern with broadening the current Municipal Planning Strategy in regard to the sewer issue should this particular proposal fall through, Mr. Bone advised that staff have reviewed the worst case scenario analysis and have determined that the seniors complex would be a high generator. The worst case development would be an institutional use or low density residential. The risk of this proposal not going forward was considered very low as the contract has already been awarded by the province.

Mayor Kelly opened the public hearing.

**Jack Brill, Lower Sackville, former County Councillor:** advised that he was in support of the proposal for a comprehensive senior's village and has been an active supporter of the initiative since 1990. He provided a brief history of the proposal and acknowledged the support and involvement of the late Mrs. Eleanor Reader as well as Mr. Lloyd Brown and Mr. Stephen Pace of Scotia Nursing Home. He added that the Bedford Commons site is close to all amenities. He urged Council to support the project.

**Stephen Pace, Scotia Nursing Homes:** advised that Scotia Nursing Homes has been a longterm care provider for over forty (40) years and are pleased to meet the community's need for a longterm care facility. He thanked HRM staff, Councillors Bob Harvey, Brad Johns and Tim Outhit of the North West Community Council as well as the area residents for their support.

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

**MOVED BY Councillor McCluskey, seconded by Councillor Karsten that the public hearing be closed. MOTION PUT AND PASSED.**

**MOVED BY Councillor Johns, seconded by Councillor Sloane that Halifax Regional Council approve the proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-Law, and the Regional Subdivision By-Law, as provided in Attachments "A", "B" and "C" of the staff report dated May 20, 2008.**

Councillor Johns commented that the chosen location was ideal as it was in an area with good sidewalks and within walking distance to a variety of amenities. He added that he was pleased Scotia Nursing Homes had been awarded the project as he could attest to their community involvement. He thanked former Councillor Jack Brill for his involvement and acknowledged that Mr. Brill continues to be a strong advocate for seniors and mental health issues. Councillor Johns also thanked the numerous volunteers involved with the project over the years.

**MOTION PUT AND PASSED.**

**9.2 Case 00930 - Municipal Planning Strategy and Land Use By-Law Amendment for 6955 Bayers Road, Halifax (deferred July 8, 2008).**

- A letter dated August 12, 2008 from Ms. Vanessa Lilly was before Council.
- A letter received on June 17, 2008 from Mrs. Loretta Donovan, Halifax, was before Council.
- An extract of the draft Regional Council minutes of June 17, 2008 was before Council.
- A revised copy of the PowerPoint presentation was before Council.
- A report dated June 10, 2008 from the Peninsula Community Council was before Council.

Ms. Randa Wheaton, Senior Planner, Western Region, presented the report. She then responded to questions of clarification from members of Council providing the following information:

Ms. Wheaton confirmed for Councillor Murphy that:

- the second public information session held in April was by request of the Peninsula Community Council and not a requirement. The Peninsula Community Council wanted to ensure members of the public were well informed and given an opportunity to express their concerns.
- an archeological study of the memorial site had been done. A similar study would have to be done for any future development.
- there is no intent to extend St. Andrews Avenue nor to connect access through to the cul-de-sac.
- a similar process (plan amendment, public hearing on the zoning and site specific development agreement) would have been followed for the previous proposal in relation to the Italian Cultural Centre.

Councillor Murphy requested that:

- the word "*building*" be corrected to read "*buildings*" in Attachment A, Section 2.14.
- the scale, height and massing listed in Attachment "D" be added to Attachment "A".
- the words "*and buffering*" be added after the phrase "adequate landscaping" in Section 2.14.

In response to Councillor Sloane, Ms. Wheaton explained that the compatible amount of units/density for the area would be 125 persons per acre as per the By-Law.

Mayor Kelly opened the public hearing.

**Sister Helen Wallace: Bayers Road area:** advised that she would like to see the land kept for recreation purposes such as a soccer field or playground. She acknowledged that the greatest housing need in HRM was affordable housing for families. The proposed apartments would be expensive and would not be compatible with the local area and would also impact traffic. She expressed concern that rezoning the property to residential would encourage developers to commence buying up housing in the area. She feared another Africville in the name of urban renewal/progress. Sister Wallace asked that the impact on the people be considered when development was being considered. She acknowledged that the tax dollars would add to HRM's bank account but there has to be an assurance of enough green space for HRM. She explained that most families in HRM could not afford to buy fresh vegetables and suggested the site be used for a community greenhouse / garden similar to an initiative developed in Ottawa. She congratulated the communities of North End Halifax and Spryfield who currently have community gardens. Sister Wallace suggested that HRM Council look carefully at their districts and consider if there were affordable housing available for seniors/families with outdoor recreation opportunities and community gardens.

**Rosemary Mooney, Halifax:** advised that she was not in favour of the rezoning. She expressed concern that there did not appear to be a detailed regional plan from the West End Mall area to the Fairview Lawn Cemetery. If high-rise apartment buildings were the plan, it was news to her. She explained that she values her community as they respect and know each other. She encouraged people to step outside the box and look at the community's needs/wants. She inquired if there had been any consultation with the West End residents on what they would like to see for their area. Currently, the area has a population comprised of seniors/single parents/youth/immigrants. A high-rise apartment building would not meet their needs. A library, rink or swimming pool would be better options. She suggested that property be kept for community purposes and that HRM provide the developer with property in the downtown area that would be more appropriate for high-rise apartment buildings. She added that she did not want to live in an area with dozed-down trees.

**Margaret Gentleman, Halifax:** advised that her property backs onto the site in question. She explained that she understood development in some form was inevitable; however, she had concerns with the scale of the building and additional traffic. She requested that the Municipal Planning Strategy be amended by changing the word "may" to "shall" as the section identifies the various factors that could be considered. The language should ensure that all factors would be addressed. She suggested that language regarding scale, form and compatibility be retained. She commented that the eastern side of the cemetery would also

be impacted by construction and an archeological study should be done for that area as well. In regard to traffic, any east bound traffic wishing to enter the site would have to go to Romans Avenue then to Bayers Road. The additional traffic would be displaced onto Vine Avenue where NO U-TURN signs currently exist to discourage that behaviour. She encouraged Council to reconsider the proposal and to consider the form height and neighbourhood compatibility.

**Angelo Lepore, Fall River:** commented that the site has benefit of all the amenities and municipal services. He acknowledged that residents on Bayers Road are concerned with an increase in traffic, however; local traffic would not be the issue. Traffic would be generated by those travelling in from greater distances. He suggested that to ensure there would only be local traffic, perhaps Bayers Road should be closed from Vaughn Avenue. It makes sense for HRM to invest in areas with existing infrastructure as it would be cheaper to build. There would also be the possibility of employment and recreation opportunities that would enable residents to live and work in the community which is the direction HRM should be going. There has been significant commercial growth in the west end area, almost double, yet residential growth has remained relatively stagnant over the last twenty (20) years. The last apartment buildings developed in the area were those on Bayers Road and Olivet Street in 1978. New additions have to be made to the aging housing stock. He expressed concern with the length of the planning process. The Regional Plan shows the area as mixed residential; an application was made in July 2006 and it has been taking too long to approve a request that fits with the longterm land use.

**Jerry Blumenthal, North End Halifax:** commented that he was in support of the amendment. Development of the property would pave the roads and grass the area that is currently an eyesore. He explained that the Bayers Westwood area was owned by the Province of Nova Scotia and that the province has no intention of selling the property. The surrounding area is a nice community with many immigrants. He added that he hoped the development would be cutting edge and as he would like the land to be developed properly with good residential value.

**Douglas Moss, Owner and Manager of the Bayers Road Centre:** advised that he purchased the Bayers Road Centre three (3) years ago and has made it a Commercial Centre with the expansion of Lawton's Drugstore, the addition of a Call Centre and the latest expansion providing workspace for 125 persons. Residential use of the property would be a logical progression of infill development; providing housing stock near the Commercial Centre that would enable people to walk to work.

**James Dusty Miller, Halifax:** advised that he was in favour of the amendment. He presented a photograph of the view from his apartment window. He explained that he attended the first community meeting in regard to this proposal and thought there were three options available. He expressed concern for the memorial area as the location was still in use as a burial site.

He has done research on this proposal and urged everyone to read the information for themselves as the benefits would include a proper paved road, greenspace, flowers, trees etc.

There are many seniors who can no longer maintain their houses who would enjoy an apartment at this location. HRM does not wish to buy back the property; it is now private property. A request has come forward to change the zoning to residential. Playgrounds do not bring in any taxes. He referred to earlier comments that confirmed there was a wonderful field and play areas nearby. In regard to traffic, many comments have not been factual and he encouraged people to read the reports as the project was well thought out. He suggested the apartments be named the *Vincent Coleman Apartments*. He would like the zoning changed from institutional to residential as the province could expropriate the land and, with the current zoning, build a hospital or prison.

**Dave MacDougall, Halifax:** expressed concern with the amendment as there does not appear to be a specific planning strategy for the West End area. The proposed site is just off Highway 101 and surrounded by post war homes, low income housing and a large proportion of children (approximately 600 in the area) who require recreational space. A high level recreational plan, that does not include accessible recreation space, was done and the need for more soccer and hockey facilities was recognized. The proximity to bus routes should be acknowledged as it would improve access to recreation facilities. The land was formerly in public use as a school therefore the scale, height and mass was appropriate. The majority of those in attendance at the public information meetings spoke out against the proposal. In regard to traffic, the boulevard prohibits some traffic into the site although cars will turn in private driveways. He requested that Council carefully consider the proposal and leave the zoning as institutional for use as seniors housing or P zone usage. A medium density residential development would be more appropriate.

Council recessed at 7:27 p.m.

Council reconvened at 7:44 p.m.

**Blair Beed, Halifax:** commented that the property under discussion has been abandoned for too long. The proposal was in regard to residential zoning and not about scale, mass or height. Eleven (11) years ago, area residents supported the idea of a seniors or cultural centre for the site. He suggested that the Developer do more research on the best use for this property. He added that he supports residential use for this site.

**Matthew Dobbelsteyn, Halifax:** advised that he grew up in the Bayers Road area and was a student of the St. Andrews School. The land was not suitable as a play area when he attended the school. The Developer has shown that the proposed development would include improvements to the area and would not affect the memorial site. He welcomed the development opportunity as density on the peninsula has to increase. The land in question has not been used in eleven years. The location is great as the residents would be able to use

nearby transit to commute to work. The Developer has done a traffic study which shows there would be no impact on traffic as those entering/exiting the property would only do so by right-hand turns. In regard to parkland/recreation, there are two other parks in the vicinity. The Developer has done due diligence. The best use for the property would be to allow the proposed rezoning and proceed with construction of the apartment building.

**David Etter, Bedford:** commented that there are two main routes into Halifax; the bridges or Highway 101. The first view people have when they enter the peninsula is a mess. Status quo is not an option. Without the rezoning, the Developer could proceed with an as-of-right building with no public input. There is now an opportunity to have the land rezoned and for the public to have a say in what will be built. The majority of area residents favour residential use for the site. Any development would increase traffic; a residential development would be the least intrusive option. He applauded the Developer for taking the initiative to upgrade the memorial site. There would be economic spinoffs from a residential development as the residents would be good for local business. He supported the amendments.

**Donna Mulherin, Halifax:** advised that she was in support of the development on Bayers Road. She explained that each and every constituent was impacted by development on the peninsula. She agreed that a residential development would be an improvement over the unsightly state that exists today with the added bonus of improvements to the existing cemetery/memorial site. Living in an area with so many services within walking distance would be great for Seniors. Considering the volatile fuel costs, working in the area would reduce the need to commute for the residents. Maintaining as-of-right would permit an institutional building which could cause more traffic than a residential development.

**Jacqueline de Mestral, Halifax:** advised that she was not in favour of a sixteen (16) storey development. Public in attendance at the two public consultation meetings were told that the traffic issues would be addressed but she does not feel they have been adequately addressed. She did not feel that the residents concerns were being brought forward by the City or the Councillors. The site is small and a large building would impinge the look of the area which is mostly two-storey buildings. She requested that stipulations be placed on the lot in regard to scale, height and density. A development of less high density, such as a cultural centre or seniors centre, would be more suitable. The area residents are not anti-development. They do not want another Fenwick Tower that would be ugly and stick out and cause wind issues. The site should be developed on a less than maximum scale.

**John Greatwich, Halifax:** commented that he is saddened by the neglect the property has been shown over the years and that the City was now relying on a private contractor to fix the problems. The driveway has to be fixed. Traffic is a nightmare from Connaught Avenue to the Bicentennial Highway with a gridlock on Bayers Road to the Bicentennial Highway. The Gladstone area, previously an area with no high-rises, now has high-rises. The developer for this site has proposed four 2-storey buildings, then two 8-storey buildings and finally one 16-

storey building. He expressed strong concern with increased traffic on St. Andrews Avenue, a cul-de-sac, as children bike there. Parking spots for the tower would impinge on the city owned recreation centre. When the gymnastic club is busy, the area is jammed with cars. Currently, people have to wait 3 - 5 minutes to exit onto Bayers Road. There will be traffic short cutting through neighbourhoods. The traffic counts are idiotic and wrong. The area residents were okay with an Italian Centre or seniors complex.

**Dan Weir, Solicitor for the Developer:** explained that the area was currently zoned Parking and Institutional as it once housed a school. A photograph of an overhead view of the property was circulated to members of Council. Referencing the photograph, Mr. Weir indicated a concrete slab surrounded by asphalt that renders the land unsuitable for parkland. The concrete and asphalt are an eyesore and would have to be removed. The school, demolished prior to 1997, would not be replaced. In October 2005, the Developer acquired the property and met with Mr. Goodspeed, Architect, in regard to development opportunities for the site. The only application currently before Council is in regard to the Municipal Planning Strategy and Land Use By-Law amendments. Any development that takes place would have an impact on traffic; however, a multi-use residential development would be the least intrusive in respect to traffic. In response to the suggestion that HRM buy back the property for recreational use, he advised that HRM previously deemed the property surplus and that it was now privately owned. He requested that Council approve the amendments that would permit the Developer to move forward. He added that HRM would benefit from development of this site through planned improvements to the existing cemetery, at the Developer's cost, as well as a new sidewalk.

**Mr. Goodspeed, Architect for the Project:** commented that there is a need to reduce the environmental impact of sprawl throughout HRM and improve the services already in place. In order to increase density on the Peninsula, development opportunities such as this were required. The site in question would be a great location for residential use. HRM had previously determined the land was not necessary for their recreation/parkland use. Any overshadowing by a future building would be minimal and would occur only in the winter months. He clarified that an archeological study was done on both boundaries of the memorial site and that the area would not be disrupted by development. A well defined residential project would improve access to the existing recreational facility and improve/celebrate the memorial site.

In response to Councillor Murphy, Mr. Goodspeed advised that archeological digs would be done to both sides of the memorial site during construction. If anything were to be discovered, all construction would stop.

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



**MOVED BY Councillor Smith, seconded by Councillor Younger that the Public Hearing be closed. MOTION PUT AND PASSED.**

**MOVED BY Councillor Murphy, seconded by Councillor Fougere that Halifax Regional Council approve the proposed amendments to the Halifax Municipal Planning Strategy and Peninsula Land Use By-Law contained in Attachment "A" of the January 21, 2008 staff report.**

Councillor Murphy requested that staff meet to determine the recreation needs for this area. He added that the traffic concerns at Chisholm Avenue, St. Andrews Avenue and the u-turns on Bond and Ward Streets must be addressed by HRM's Traffic department. He advised that in 2005 he conducted a walk through of the area with staff in regard to plans for the area. It was determined that enhanced recreational activity, basketball courts and upgrades including better maintenance of the Metropolitan Housing Authority properties were required. The Developer has indicated that he is willing to work with the neighbours. There are many seniors in the area who may want to move to this site. Affordability of the development should also be considered. The Manager of the Bayers Road "Business Park" has indicated that many young professionals working in the area could potentially walk to work if residential opportunities were available.

Ms. Mary Ellen Donovan, Solicitor, inquired if Councillor Murphy intended to have the scale, mass and height taken into account. Councillor Murphy responded in the affirmative. Ms. Donovan then advised that:

- a change to the wording in the introduction to Attachment "A", section 2.4.1. would be required;
- (a) to (g) in Attachment "A" would remain the same

Councillor Fougere requested that the words "*and buffering*" be added after "*adequate site landscaping*" in item (h) of Attachment "A".

Ms. Wheaton responded to Councillor Johns that Map 1 in the staff report identifies the zoning. There is a playground at the end of Huron Street; and, further west of the proposed site there is parkland between the two lengths of Bayers Road.

Councillor Johns commented that it was regrettable HRM did not buy back the property when the opportunity arose in 2004 as it would be the perfect place for a play area. The site is in a good mixed area with single family dwellings and two high rises; however, he does not see how a 16-storey high-rise building would add anything to the area. The current zoning would be more beneficial for the residents.

Mayor Kelly clarified that the offer to buy back the property did not come before Council as it was dealt with by staff. Councillor Johns commented that it was regrettable Council was not given the opportunity to discuss whether or not to buy it back.

Councillor Uteck advised that she was in support of Councillor Murphy's motion and the rezoning. She referred to a recent development on Harbourview Drive in her district explaining that the residents would not want to see commercial use at the proposed site as they would have no control over the development. Hopefully, the Developer will work with the residents and area Councillors to determine a compatible use.

Councillor Rankin commented that Councillor Murphy had a difficult task to ensure his residents received fair consideration in regard to this proposal. The status quo is not acceptable. The issue is what is reasonable development. Parkland is not a consideration. The needs assessment showed that the case was not there for recreational use as there were adequate facilities in the general neighbourhood. A residential development within an urban community is not against the Regional Plan. All complimentary infrastructure to support residential development is available at this site. An increase in population by approximately 300 additional persons as a result of the proposed development would not be significant in regard to traffic. Council is considering a much better proposal than what could occur as-of-right.

Councillor Sloane gave credit to Councillor Murphy for ensuring a second public information meeting was held. She commented that the current site does not give much to the community. She expressed concern with the scale and massing of any future building and advised that she was pleased with the amendment to address that issue. HRMByDesign discusses what "fits" in what neighbourhood and a 16-storey building would not fit; neither would two eight (8) storey buildings. She suggested that townhouses or affordable housing for seniors would be a better fit. Individuals are moving to the urban areas to be closer to amenities; of which there are many surrounding this site. She added that she looks forward to meeting with the Developer and fellow Councillors to find the best developmental fit for the community.

Councillor Fougere submitted a petition signed by 88 area residents who were opposed to the rezoning from institutional to residential and were also opposed to a 16-storey apartment building. She advised that she is in favour of the rezoning and that the 16-storey building was not being considered at this point. The site is currently a vacant lot. There are two HRM playgrounds within a five minute walk of the site as well as soccer fields. There is no lack of public greenspace / recreation space within a short distance of this site. Institutional use at this site would be nothing more than a traffic generator. The Developer has done a traffic study. She acknowledged the configuration of the site being a difficulty as only right turns into and out of the site are possible and if you miss that turn, you have to turn at Romans Avenue, perhaps do an illegal U-turn in a residential driveway, and then head back to the site. The current traffic situation is a great irritant to residents and an irritant without a solution as it

would exist regardless of institutional or residential use. Rezoning the site would not make traffic issues any worse. A residential development would ensure public input through the development agreement process. She added that HRM staff used sound judgement when they declined to buy back the property as the site was not considered necessary for recreational uses.

Councillor Outhit advised that he supported the amendment. Hopefully, affordable housing would be provided and an eyesore eliminated. He encouraged the developer to work with the local community to determine the best development option. He concurred that there were wonderful, local recreation facilities available.

Councillor Murphy indicated that he wished to add an amendment to the motion on the floor. The Mayor advised that Council would take a five minute recess in order to permit the Solicitor and Municipal Clerk opportunity to comprise the motion.

Council recessed at 8:55 p.m.

Council reconvened at 9:06 p.m.

At the request of Councillor Karsten, the Mayor requested the Clerk clarify the motion before Council.

The Acting Municipal Clerk read the following motion, with Councillor Murphy's amendment, into the record:

**MOVED BY Councillor Murphy, seconded by Councillor Fougere that Halifax Regional Council approve the proposed amendments to the Halifax Municipal Planning Strategy and Peninsula Land Use By-Law to read as follows:**

**2.14 For the property at 6955 Bayers Road (PID #40824005) the Municipality may permit the development of multiple unit residential buildings by development agreement.**

**2.14.1 Any development permitted pursuant to Policy 2.14 shall be compatible with the surrounding area and this shall be achieved by attention to a variety of factors for which conditions may be set out in the development agreement, and shall include:**

- a) the adequacy of the servicing capacity of the site;**
- b) the architectural design of the building including materials;**
- c) the adequacy of parking facilities;**

- d) **preservation and/or enhancement of the function of the larger site which includes the existing Cemetery and Community Centre;**
- e) **provide opportunities for public access to the existing indoor and outdoor components of the larger site;**
- f) **provision for vehicular and pedestrian access and egress patterns from the surrounding area;**
- g) **the provision of open space;**
- h) **adequate site landscaping and buffering; and**
- i) **scale, height and massing of the buildings.**

Councillor Walker commented that Council has heard the concerns of the public loud and clear. He attended both public meetings on the issue. The Community Council will act in the best interest of their residents. He advised that he was in support of the amendment. The 16-storey building proposal should not have been brought in with this report as it was not related to the zoning matter. He also commented that the map circulated to Council was approximately four to five years out of date.

Councillor Johns advised that he would support the motion although it would have been great to see a greenspace there with children playing.

Councillor Snow advised that she was in support of the rezoning.

In response to Councillor Hum on what the cost would have been for HRM to buy back the land, Mr. Peter Bigelow, Manager, Real Property Planning, Infrastructure and Asset Management, explained that when the offer to purchase was brought forward, staff did an analysis of the property and its possible uses. At the time, the price was \$2.5 million plus the cost of additional upgrades to make the area more usable which would have required a lot of capital. When the analysis was done, it was determined that the site was too small for a playing field and there were soccer fields and other recreational areas located nearby.

Councillor Hum commented that, unfortunately, many districts face the challenge of limited opportunities for property acquisition due to tremendously increasing land prices. In order to get payback on their investments, property owners build to get their investment back and it may not always be compatible to the neighbourhoods. The important factor is the rezoning, development and public input. Staff and Councillors can work with the Developer to find a palatable option.

Councillor Smith commented that the Regional Plan was passed by Council a couple of years ago. There would now be challenges in finding ways to densify the peninsula and stop the sprawl. He added that he was in support of the motion and that the Community Council would

help to determine what would be appropriate for the area. Sacrifices to densify the core areas will be required by small communities in order to keep taxes low and infrastructure in place.

Councillor Barkhouse advised that she concurs with Councillor Murphy and the suggestion that affordable housing be considered for this site. The rezoning would best serve the residents and would make better sense than the current zoning.

Councillor Murphy explained that the issue of rezoning this site was brought before Regional Council as the Peninsula Community Council did not feel the 16-storey building was a good idea. Many residents who attended the second public meeting commented that 16-storeys would stand out like a sore thumb. The area of Bayers / Westwood has great recreational opportunities and will have more. In 2005, the Metropolitan Housing Authority was encouraged to step-up and take better care of the area. The province is in control of that area and will not be placing it up for sale. The cemetery also requires due diligence. He agreed with the numerous comments that a seniors component would be a good use for the site.

**AMENDED MOTION PUT AND PASSED.**

Council agreed to deal with Item 13.4 at this time.

**13. ADDED ITEMS**

**13.4 HRM Community Facility Partnership Fund, Proposed Policy and Procedures**

Council continued discussion from an earlier session with the following motion on the floor:

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

- 1. Approve the proposed HRM Community Facility Partnership Fund policies and procedures as detailed in Attachment 2 of the report dated July 22, 2008;**
- 2. Authorize a one million dollar grant in fiscal year 2008/09 to the Halifax Port Authority, or its designate for leasehold improvements associated with the Farmer's Market development, from Account # CBX01147 as per the budget implications section of the report dated July 22, 2008 and pending a detailed review of the terms and conditions of funding.**
- 3. Pending financial review from staff, authorize \$1,000,000 funding for the next four (4) subsequent years.**

Councillor Younger expressed concern that the score charts were not included with the report although that information has been requested repeatedly. Staff have advised that they have done a ranking based on the criteria but the criteria does not include the wait time. He expressed concern with being asked to approve a scoring criteria without the wait time or rating attached. The Councillor noted that what is currently before Council is an unsolicited application. He expressed concern for those groups who have been waiting for the grant program and call for proposals. He suggested there should be a separate fund and a separate report to Council on providing funding to the Farmer's Market including information on what funding HRM could provide. He stressed that prior to consideration of the Farmer's Market matter, Council should agree on the scoring criteria.

Ms. Cathie O'Toole, Director, Infrastructure and Asset Management, advised that pages 19 and 20 of the staff report address the evaluation procedure. She acknowledged the report did not address the waiting issue; however, Mr. Andrew Whittemore, Manager, Community Development, explained that there was a 60% / 40% waiting. Staff's objective would be to have the grant administered under the Grant Committee.

Ms. O'Toole explained that one of the alternatives listed in the report was to have Council approve the policy/procedure and then have an open call for submissions. She advised that part of the reason staff brought forward the Farmer's Market matter with this report was due to a previous motion by Council, of September 18, 2007, requesting that staff provide information on how HRM could, if possible, cost share with the Port Authority in regard to the Farmer's Market.

Ms O'Toole and Mr. Whittemore responded to questions.

Mayor Kelly reminded Council that it was nearing 10:00 p.m. and in order to continue discussion beyond 10:00 p.m. a motion of Council would be required.

**MOVED BY Councillor Walker, seconded by Councillor Streach that Council extend the Regional Council session beyond 10:00 p.m. until such time as the agenda has been completed. MOTION PUT AND PASSED.**

Councillor McCluskey commented that on page 16 of the report, the section on restrictions for types of expenditures indicates that, "*assistance to private interest is not permitted*". Also, "*unless authorized under an Act of the Nova Scotia Legislature, grants to business, industry or commerce shall not be paid from the municipal real property taxes*". She added that \$1 million is a lot of money when you consider the upcoming library project and those taxpayers who are trying to maintain their own homes.

Ms. Peta-Jane Temple, Team Lead Tax, Grant & Special Projects, clarified for Councillor McCluskey that a private interest would be defined as an individual, family or informal collective. In regard to an Act of the Nova Scotia Legislature, she referred Council to the footnotes in the report for further detail.

Mr. Wayne Anstey, Acting Chief Administrative Officer, explained that staff recognized HRM was not able to provide a grant directly to the Farmer's Market as the Market is a for-profit group. The recommendation has come forward as funding to be provided directly to the Port Authority to be used for property (leasehold) improvements. The Farmer's Market has considered incorporating a not-for-profit society to hold the lease on the property so that the Farmers Market Co-operative would then lease from the not-for-profit society.

Councillor Johns commented that when Council originally approved the \$1 million allocation toward the HRM Community Facility Partnership Fund, the money was intended to go toward HRM owned facilities. Staff are now presenting something completely different. He also stressed that his concerns have nothing to do with the Farmer's Market but rather the need for further discussion in regard to the change from the original intent of the fund. He added that he does not support providing public funds to a private group.

Ms. O'Toole clarified the following for members of Council:

- the request from the Lake District Recreation Association was received three months after funding was approved.
- Sections 56 and 65 of the Municipal Government Act permit the expenditure that is being proposed.
- the motion previously put forward by Councillors Karsten and Younger in regard to prioritization and criteria was defeated by Council, however; staff felt that it was a great idea and agreed to develop a policy. Staff were advised by the Deputy Chief Administrative Officer that they were to have that report prepared by the end of June. Staff were ready to move forward in June but had trouble getting the item on the Committee of the Whole agenda.

Councillor Streach pointed out that Council had requested staff to bring forward an option that would enable HRM to support this initiative. He added that HRM has been asked, in good faith, to be a funding partner in this initiative and if HRM does not participate he did not see how HRM could, in future, ask others to partner with them.

Mr. Anstey, Acting Chief Administrative Officer, explained that the funding proposed for the Port would be for the purpose of leasehold improvements. The former City of Halifax supported providing a site for the Farmer's Market for over one hundred years either by providing a facility or money toward another facility. The Municipal Government Act does provide that HRM has the right to spend money to provide facilities for a public market.

Mr. Anstey confirmed in response to a question by Councillor Hendsbee that HRM is attempting to provide some funding as leverage for a P3 type arrangement with the Provincial, Federal, Municipal Governments and the Farmer's Market. The Atlantic Canada Opportunities Agency (ACOA) has said that if HRM contributes funding, they will also contribute; if HRM does not contribute, ACOA will not contribute.

Councillor Uteck commented that staff have done what Council requested which was to develop a policy for infrastructure that HRM could not otherwise support, and Council asked that the Farmer's Market be included. She noted that this project satisfies every policy HRM has brought forward over the last four years such as the Cultural Strategy and Regional Plan. The Farmer's Market issue has been trying to make its way onto the Council agenda for six months.

A recorded vote was requested on the motion as follows:

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

- 1. Approve the proposed HRM Community Facility Partnership Fund policies and procedures as detailed in Attachment 2 of the report dated July 22, 2008;**
- 2. Authorize a one million dollar grant in fiscal year 2008/09 to the Halifax Port Authority, or its designate for leasehold improvements associated with the Farmer's Market development, from Account # CBX01147 as per the budget implications section of the report dated July 22, 2008 and pending a detailed review of the terms and conditions of funding.**
- 3. Pending financial review from staff, authorize \$1,000,000 funding for the next four (4) subsequent years.**

**MOTION PUT AND PASSED.** (15 in favour, 7 opposed).

Those voting in favour of the motion were Councillors: Streach, Snow, Hendsbee, Wile, Murphy, Sloane, Uteck, Fougere, Walker, Hum, Mosher, Outhit, Rankin, Meade and Mayor Kelly.

Those opposed to the motion were Councillors: McCluskey, Younger, Karsten, Barkhouse, Smith, Deputy Mayor Adams and Councillor Johns.

Councillors McInroy and Harvey had sent regrets for this meeting.



**13.5 Citizen Appointments to Boards: Committees and Commissions**

- This item had been addressed at an earlier In Camera session and was now before Council for ratification.

**MOVED BY Councillor Uteck, seconded by Councillor Walker that Halifax Regional Council:**

1. **Approve the Citizen appointments to Boards/Committees/Commissions as outlined in Attachment 1 of the August 6, 2008 staff report with the exception of the Cultural Advisory Committee appointments.**
2. **The membership on the Board of Police Commissioners be staggered.**

**MOTION PUT AND PASSED.**

**13.6 Halifax Central Library - Building Program and Space Requirements**

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

1. **Approve the Central Library in principle.**
2. **Direct HRM Staff to examine funding options and develop a financial plan for the project; and the financial plan should be multi year and include funding in both public and private sectors.**

**MOTION PUT AND PASSED.**

**13.7 Mainland Common Centre Complex**

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

1. **Approve the Mainland Common Centre project with key components as outlined in the August 7, 2008 staff report;**
2. **Approve an increase in the Consultant Services fee to \$1,988,000 including net HST to DSRA Architects Ltd. to reflect the increased scope of the project, funded from CB100091, Mainland Common Recreation Facility as per the Budget Implications section of the August 7, 2008 staff report;**

3. Approve an increase of \$12,390,000 to the capital budget CB10091, Mainland Common Recreation Facility, comprised of \$12M cost-sharing from the federal government and an additional \$390,000 to bring total community fund-raising to \$2,000,000.
4. Approve delegation of contract award authority to the CAO to award Tenders and Requests for Proposals for this specific project as outlined within the August 7, 2008 staff report in order to meet the tight project timelines.
5. Authorize staff to begin the process of establishing a Community Board to oversee the management of the facility.
6. Authorize staff to begin the review process for the closure of the Northcliffe Centre such that closure occurs concurrent with the opening of the new facility.
7. Authorize staff to proceed with the development of a capital project plan for upgrades to Centennial Pool and to create capital account CBX01148, Centennial Pool Upgrades.
8. Approve a budget of \$1,000,000 for capital account CBX01148, Centennial Pool Upgrades, with funding in the same amount from the Province of Nova Scotia.
9. On a go forward basis, through the HRM facility Master Plan, staff work with the public, sport Nova Scotia and its member organizations and Sport Centre Atlantic to develop a long range plan for an aquatic facility that includes a 50 metre pool, the location, financing and facilities to be determined through the process.

**MOTION PUT AND PASSED.**

**13.8 Councillor Uteck - Request for Special Parking Permits**

Councillor Uteck requested an on-street parking exemption for approximately 300 residents in the Fenwick Street, Inglis Street, Victoria Road and South Park Street areas due to the six month Fresh Water Brook Project underway in that area; and, that the residents whose parking has been displaced by this project be presented with a special parking permit at no cost to the resident.

She requested that staff give immediate attention to this request as the area residents are being ticketed for on-street parking beyond the current two-hour permitted time frame.

**14. NOTICES OF MOTION**

Councillor Johns indicated he was requesting reconsideration of the motion passed on item 13.4, HRM Community Facility Partnership Fund, Proposed Policy and Procedures; however, following discussion with the Municipal Solicitor responding to questions, Councillor Johns advised he was withdrawing his request.

**14.1 Deputy Mayor Adams**

“Take notice that at the next regular session of Regional Council to be held on September 9, 2008, I intend to introduce a motion to amend the Taxi Rate Schedule.”

**14.2 Councillor Walker**

“Take notice that at the next regular session of Regional Council to be held on September 9, 2008, I propose to introduce for First Reading, By-Law T-223, an amendment to By-Law T-200 Respecting Tax Exemption for Non-Profit Organizations, 2008/2009, the purpose of which is to approve renewals of existing tax exemptions, and to amend By-Law T-200 with the deletion of specific accounts and records management adjustments.”

**14.3 Councillor Uteck**

This item was addressed under Item 13. 8.

Councillor Uteck was advised by the Solicitor to give Notice of Motion on this matter; however, she advised that this item was urgent and could not wait until the September session of Council to be addressed

“Take notice that at the next regular session of Regional Council to be held on September 9, 2008, I intend to introduce a motion to amend the parking By-law to provide special parking permits for the residents of the South End whose parking has been displaced by the Fresh Water Brook Project.”

**14.4 Councillor Hendsbee**

“Take notice that at the next regular session of Regional Council to be held on September 9, 2008, I intend to introduce a motion to request an Information Report to explore an opportunity to advance funding for a particular phase of the Preston Area Trails Association proposal for

the joint development of walking trail from Lake Major to North Preston to coincide with the Halifax Regional Water Commission construction plans of a waterline extension in the same area.”

15.            ADJOURNMENT

The meeting was adjourned at 10:53 p.m.

Sheilagh Edmonds  
Acting Municipal Clerk

**The following information items were circulated to Council:**

1. Proclamation - Sakyong Wangmo Day - August 16, 2008
2. Proclamation - Taoist Tai Chi Awareness Day - August 23, 2008
3. Proclamation - Continuing Care Month - September 2008
4. Memorandum from Chief Director, Fire & Emergency Services dated July 17, 2008  
re: Response to Questions - Committee of the Whole Budget Meeting April 16,  
2008 for Fire & Emergency Services
5. Memorandum from the Acting Municipal Clerk dated August 8, 2008  
re: Requests for Presentation to Council - None