

HALIFAX REGIONAL COUNCIL
MINUTES
September 16, 2008

PRESENT:

Mayor Peter Kelly
Deputy Mayor Stephen Adams
Councillors: Steve Streach
Krista Snow
David Hendsbee
Harry McInroy
Gloria McCluskey
Andrew Younger
Bill Karsten
Jackie Barkhouse
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 Jim Smith

STAFF:

Mr. Dan English, Chief Administrative Officer
Mr. Paul Dunphy, Acting Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Julia Horncastle, Acting Municipal Clerk
Ms. Sheilagh Edmonds, Legislative Assistant
Ms. Chris Newson, Legislative Assistant

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1. INVOCATION

The Mayor called the meeting to order at 3:15 p.m. with the Invocation being led by Councillor Mosher.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

This item was dealt with during the evening session of Council. See page 11.

3. APPROVAL OF MINUTES

Correction: Councillor McCluskey advised that the spelling of Mosher River in the Grant Committee motion for Item 8.5, page 6 of the minutes, should be Moser River.

MOVED BY Councillor Meade, seconded by Councillor McCluskey that the minutes of August 12, 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 In Camera Recommendation: Legal Matter - CN Agreement
13.2 Request for Release of the Service Capacity Study on the Master Plan areas carried out by CBCL Study - Councillor Rankin

Move: Councillor Johns requested that Items 9.2, 9.3 and 9.4 be dealt with prior to Item 9.1.

With the agreement of Council, Item 12.2 was dealt with at this time.

12. MOTIONS:

12.2 Councillor Uteck

MOVED BY Councillor Uteck, seconded by Councillor Hendsbee that Halifax Regional Council request that Halifax Water review their process in regard to By-Law B-200 with respect to the reimbursement amount.

Councillor Uteck explained that the intent of the motion was to assist residents who are paying approximately \$300 for the removal of tree stumps (HRM owned trees) yet are only being reimbursed \$250.

Councillor Hendsbee commented that the reimbursement amount should be increased from \$250 as the cost for the required video tape alone runs approximately \$400 - \$500.

MOTION PUT AND PASSED.

Councillor Sloane entered the meeting at 3:20 pm.

MOVED BY Councillor McCluskey, seconded by Councillor Hendsbee that the order of business, as amended, be approved. MOTION PUT AND PASSED.

5. BUSINESS ARISING OUT OF THE MINUTES - NONE

6. MOTIONS OF RECONSIDERATION - NONE

7. MOTIONS OF RESCISSION - NONE

8. CONSIDERATION OF DEFERRED BUSINESS - NONE

9. PUBLIC HEARINGS

9.1 Case 01114 - Public Hearing Continuation from September 9, 2008 Development Agreement - Hollis/Duke/Upper Water Streets

This item was addressed during the evening session. See page 17.

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

This item was addressed during the evening session. See page 12.

9.3 Case 01029 - Amendments to the Sackville Municipal Planning Strategy and Land Use By-Law - C-1 Zone

This item was addressed during the evening session. See page 13.

9.4 Case 01076 - Municipal Planning Strategy Amendments - Beaver Bank, Hammonds Plains and Upper Sackville and Development Agreement - 1725 Hammonds Plains Road - Dog Kennels

This item was addressed during the evening session. See page 15.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence - None

10.2 Petitions - None

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 New Policy for Advanced Funding of Capital Projects

- A staff report dated September 12, 2008 was before Council.

MOVED BY Councillor Younger, seconded by Councillor Karsten that Halifax Regional Council adopt new policy guidelines (Attachment A) for the advanced funding of capital projects. Projects meeting the requirements of the new policy would not have to come before Council for approval, while requests for advanced funding beyond the scope of the policy would require Council's approval.

Councillor Younger requested an amendment to the first bullet of Attachment "A" to read as follows: *"that only the gross funding line item is required to have appeared in the year 2 outlook of the previous budget for advance funding approval of items in bundled accounts, and not the individual list of bundled items"*.

Council agreed to add the wording as suggested by Councillor Younger. The amended motion now reads as follows:

**MOVED BY Councillor Younger, seconded by Councillor Karsten that Halifax Regional Council adopt new policy guidelines for the advanced funding of capital projects, as outlined in Attachment A to the report dated September 12, 2008 and that the first bullet be amended to read *"that only the gross funding line item is required to have appeared in the year 2 outlook of the previous budget for advance funding approval of items in bundled accounts, and not the individual list of bundled items."* Projects meeting the requirements of the new policy would not have to come before Council for approval, while requests for advanced funding beyond the scope of the policy would require Councils approval.
AMENDED MOTION PUT AND PASSED.**

11.1.2 Major Events Facilities Reserve - Q319

- A staff report dated July 18, 2008 was before Council.

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

1. **The Business Case for the Major Events Facilities Reserve (Q319) be revised to permit the funding of major repairs, maintenance, renovations and upgrades to the Metro Centre;**

2. **Funding to the Reserve for this purpose be provided from the annual surplus from the operations of the Metro Centre;**
3. **The funds from the Metro Centre be segregated and accounted for separately from other funds in the reserve. Funding from the Metro Centre will be used only for the Metro Centre, and funding in the Reserve from other sources will not be used for the Metro Centre; and**
4. **Interest credited to the Reserve will be prorated between funds from the Metro Centre and funds from other sources.**

Councillor Barkhouse entered the meeting at 3:41 p.m.

MOTION PUT AND PASSED.

11.1.3 Temporary Borrowing Resolutions and Fall Debenture

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

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

1. **A Temporary Borrowing Resolution, based on the 2008/09 Capital Budget, as well as other changes approved during the 2007/08 fiscal year in the amount of \$68,600,932.**
2. **A Temporary Borrowing Resolution in the amount of \$7,751,700 for refinancing of the balloon payment from the 98BI Debenture.**
3. **A Temporary Borrowing Resolution in the amount of \$5,016,000 for renewal of the expiring Temporary Borrowing Resolution 03/04-01.**
4. **A Temporary Borrowing Resolution in the amount of \$13,805,000 for renewal of the expiring Temporary Borrowing Resolution 06/07-01.**
5. **The Mayor and Municipal Clerk be authorized to sign the Resolution for Pre-Approval of Debenture Issuance Subject to Interest Rate confirmation, not to exceed 7.0%, to enable the Halifax Regional Municipality to issue a 10-year debenture in the amount of \$24,738,000.**

MOTION PUT AND PASSED.

11.2 GRANT COMMITTEE

11.2.1 Proposed By-Law T-704, An Amendment to By-Law T-700, Respecting Tax Deferrals - Indexed Income Eligibility

- A report from the Grants Committee dated September 8, 2008 was before Council.

MOVED BY Councillor Walker, seconded by Councillor McCluskey that Halifax Regional Council approve in principle:

1. An amendment to By-Law T-700 to amend Section 3.1 (b) to read:

the person's gross income together with the income of a spouse or other member of the household over the age of 18 years, including any legally recognized trustee, guardian or executor resident on the property, does not exceed the indexed income threshold as set under Administrative Order 10 Section 4.0 (b);

2. Set a date for a public hearing.

MOTION PUT AND PASSED.

11.2.2 Proposed Guidelines - HRM Re-Capitalization Assistance to Community-Owned Recreation Facilities

- A report from the Grants Committee dated September 8, 2008 was before Council.

MOVED BY Councillor Walker, seconded by Councillor Outhit that Halifax Regional Council approve the proposed guidelines to include community-owned ice arenas and swimming pools as eligible for one-term capital funding in 2008-09 as per the eligibility guidelines set out in the staff report of August 22, 2008, with the following amendments:

1. outdoor swimming pools shall be eligible for consideration;
2. there shall be no minimum size of swimming pool;
3. remove the one-time funding clause;
4. curling clubs shall be eligible for consideration after eligible ice arenas and swimming pools and if sufficient budget capacity exists;
5. the application deadline shall be December 1, 2008.

During the ensuing discussion on the motion, the following amendments were put forward:

MOVED BY Councillor Johns, seconded by Councillor Snow that Halifax Regional Council approve an extension of the proposed funding program for the next four

years to run concurrent with other programs, and; that the minimum allocation for the fund be \$750,000.

Members of Council agreed to re-evaluate the funding allocation of \$750,000 upon the completion of the first cycle in order to determine whether or not an increase in funding for the program would be required.

MOTION TO AMEND PUT AND PASSED.

MOVED BY Councillor McCluskey, seconded by Councillor Hum that on a go forward basis, all eight (8) paddling clubs be added to the list for consideration including the development of criteria for evaluating the applications. MOTION TO AMEND PUT AND PASSED.

MOVED BY Councillor Meade, seconded by Councillor Mosher that on a go forward basis, sailing clubs be added to the list for consideration including the development of criteria for evaluating the applications. MOTION TO AMEND PUT AND PASSED.

MOVED BY Councillor Snow, seconded by Councillor Sloane that on a go forward basis, all community-owned recreational capital assets, including Community Centres, be added to the list for consideration including the development of criteria for evaluating the applications.

Councillor Walker commented that consideration would have to be given to increase funding to the Grants Program in order to cover the volume of proposed inclusions.

Councillor Harvey reminded Council that increasing the fund would mean taking the money from another area/service.

MOTION TO AMEND PUT AND PASSED.

The motion, as amended, now reads as follows:

MOVED BY Councillor Walker, seconded by Councillor Outhit that Halifax Regional Council approve the proposed guidelines to include community-owned ice arenas and swimming pools as eligible for one-term capital funding in 2008-09 as per the eligibility guidelines set out in the staff report of August 22, 2008, with the following amendments:

- 1. outdoor swimming pools shall be eligible for consideration;**
- 2. there shall be no minimum size of swimming pool;**
- 3. remove the one-time funding clause;**
- 4. curling clubs shall be eligible for consideration after eligible ice arenas and swimming pools and if sufficient budget capacity exists;**

5. the application deadline shall be December 1, 2008.
6. approve an extension of the proposed funding program for the next four years with a minimum allocation of \$750,000 in funding, based on need, on a go forward basis.
7. that on a go forward basis, all eight (8) paddling clubs be added to the list for consideration including the development of criteria for evaluating the applications.
8. that on a go forward basis, sailing clubs be added to the list for consideration including the development of criteria for evaluating the applications.
9. that on a go forward basis, all community-owned capital assets be added to the list for consideration including the development of criteria for evaluating the applications.

AMENDED MOTION PUT AND PASSED.

12. MOTIONS

12.1 Councillor Sloane

MOVED BY Councillor Sloane, seconded by Councillor Outhit that Halifax Regional Council request that staff provide documentation to amend the Municipal Planning Strategy for the Schmittville area of District 12 to a Residential Comprehensive Development District and instruct staff to include The friends of Schmittville group in the public participation program.

Without a vote being taken on the motion on the floor, the following motion was put forward:

MOVED BY Councillor Younger, seconded by Councillor Wile that the matter be referred to HRMbyDesign staff for a report following their public consultation process. MOTION PUT AND PASSED.

12.2 Councillor Uteck

"To amend By-Law S-100, Respecting Sewer Charges."

This item was dealt with earlier in the meeting. See page 4.

13. ADDED ITEMS

13.1 Legal Matter - CN Agreement

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

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

1. **Approve execution of Agreement with CN with respect to structural maintenance responsibilities for the 12 structures named in CN's application.**
2. **Subsequent to the completion of the first joint maintenance project; HRM and CN staff to evaluate effectiveness of coordination and construction inspection.**
3. **To request CN provide protection for HRM property from debris falling from their structures.**

MOTION PUT AND PASSED.

13.2 Request Release of the Service Capacity Study on the Master Plan areas carried out by CBCL

MOVED BY Councillor Rankin, seconded by Councillor Younger that Halifax Regional Council request that staff release the CBCL Service Capacity Study on the Master Plan areas for stakeholder review as soon as possible. MOTION PUT AND PASSED.

14. NOTICES OF MOTION

14.1 Councillor Walker

"Take Notice that at the next regular Regional Council meeting, to be held on Tuesday, the 23rd day of September, 2008, I propose to move First Reading of By-Law T-704, an amendment to By-Law T-700 Respecting Tax Deferral, the purpose of which is to amend By-Law T-700 to set the household eligibility income by formula as set out in Administrative Order 10."

Council recessed at 4:57 p.m.

Council reconvened at 6:07 p.m.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Wile offered congratulations to Paul Tingley who won a gold medal in sailing at the para-Olympics in Beijing.

Councillor Sloane advised that the North End Community Festival was held last weekend and there was a great turnout. She noted that the North End Community Clinic's, Community Garden initiative sold salsa that the children in the community had made and this was a great success. Councillor Sloane also announced that this weekend the Urban Scene Festival will be held on Maitland Street. She explained that this is the first time for this festival which will feature urban music, dance, and art.

Councillor Hendsbee advised that Wednesday, September 17, 2008 a public information meeting will be held at the Lawrencetown Community Centre to discuss the possibility for provisions for kennels in the Lawrencetown Municipal Planning Strategy. He encouraged residents of the Lawrencetown area to come out to the meeting to provide their views on this matter. Councillor Hendsbee also advised that on Saturday, September 20, 2008, 10:00 a.m. the Black Cultural Centre will be holding its Annual General Meeting, at the Centre.

Councillor Johns advised that this past Saturday the Waterstone Homeowners Association held their second annual Party-in-the-Park and it was very well attended by members of the Community, and he congratulated and expressed appreciation the organizers.

Deputy Mayor Adams congratulated the organizers from the Urban Farm Museum who organized the Fair on Saturday, and noted that Mayor Kelly and the Lieutenant Governor were in attendance and the event was enjoyed by all. Deputy Mayor Adams also congratulated the organizers of the third annual Ryan Kidston Ball Tournament.

Councillor Barkhouse announced a Household Hazardous Waste Drop-off at the Woodside Ferry Terminal Parking lot on Saturday, September 20, 2008 from 9:00 a.m. to 4:00 p.m.

Councillor Streach announced the Pirate Days Festival in Jeddore Harbour, this Friday and Saturday, September 19, and 20 with a parade on Saturday at 10:30 a.m. Councillor Streach also advised that the Annual St. Andrews Elderbank Turkey Supper will be held Saturday September 20 from 4:30 p.m. - 6:30 p.m.

Councillor Hum expressed her sincere sympathy to the family of Mike Ryan, whose daughter was killed recently in a tragic traffic accident in Tanzania where she was carrying out volunteer work. Councillor Hum advised that Mike Ryan has been an ardent volunteer for community youth, and is currently president of the Dartmouth Subway's midget hockey. Councillor Hum requested Mayor Kelly send a letter of condolence to Mr. Ryan and his family on behalf of Council.

Councillor Sloane advised that it was with great sadness to announce that Reverend Darlene Young had passed away over the weekend. Councillor Sloane noted that Reverend Young was the Reverend for the Safe Harbour Metropolitan Community Church and was well loved in the Gay, Lesbian, Bisexual and Transgender community. Councillor Sloane noted that Reverend Young's funeral was being held this evening and she requested that Mayor Kelly send a letter of condolence and that a moment of silence be held in her memory.

Council rose to observe a moment of silence in honour of Reverend Darlene Young.

Councillor Outhit announced that this Friday evening the Bedford South School was holding its Ice Cream Social evening.

9. PUBLIC HEARINGS:

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

A report dated July 24, 2008 from the Chair of the HRM Grants Committee was submitted, with an attached staff report dated June 19, 2008.

Ms. Peta-Jane Temple, Team Lead, Tax, Grants & Special Projects addressed Regional Council and outlined the report pertaining to the request from the Home of the Guardian Angel to transfer title to the HRM-owned property located at 3 Sylvia Avenue Spryfield for the sum of \$1; and the staff recommendation to sell the property to the Home of the Guardian Angel for a less than market value sale of \$29,000.

In her remarks, Ms. Temple advised that HRM had purchased the property in 1979 for road widening, however the Municipality does not have any operational need for the site or structure. She added that the long term tenant has agreed to the purchase price of \$29,000 which is the assessed value of the land only. Ms. Temple pointed out that the public interest is protected through a Buy-back agreement, giving HRM the first right of refusal.

Ms. Temple responded to clarification questions, noting the following points:

- C the Buy-back Agreement would apply to the land only.
- C decision on the Buy-back Agreement would come back to Council

The Mayor opened the Public Hearing. He called three times for anyone wishing to speak to this matter; there being none it was **MOVED by Councillor Sloane, seconded by Councillor Karsten that the public hearing close. MOTION PUT AND PASSED.**

Deputy Mayor Adams questioned if the wording in the newspaper advertisement stated that the property was being sold at less than market value, or if it was being sold for \$29,000.

In response, Ms. Temple advised that the advertisement would have stated that it was for sale, at less than market value. She noted that anyone would be able to access the staff report if they wanted further information.

Deputy Mayor Adams advised that he would like Council to approve selling the property to the Home of the Guardian Angel for one dollar as opposed to the agreed-upon price. He explained that this will enable the group to pay their closing costs and legal fees.

MOVED by Deputy Mayor Adams, seconded by Councillor McCluskey that Regional Council approve the sale of 3 Sylvia Avenue, Spryfield to the Home of the Guardian Angel for one dollar (\$1).

Councillor Karsten referred to Deputy Mayor Adams question in regard to the wording of the newspaper advertisement, and asked for the Municipal Solicitor's opinion.

Ms. Mary Ellen Donovan, Municipal Solicitor, indicated that she had no concern, advising that it is within the scope of what was advertised.

MOTION PUT AND PASSED.

9.3 Case 01029 - Amendments to the Sackville Municipal Planning Strategy and Land Use By-Law - C-1 Zone

First Reading of this matter was given at a Regional Council meeting of August 12, 2008.

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

Mr. Miles Agar, Planner, addressed Regional Council and outlined the request by North West Community Council to consider amending the Sackville Municipal Planning Strategy and Land Use Bylaw C-1 zone to increase the permitted size of uses from 2,000 square feet to 5,000 square feet. In his presentation, Mr. Agar noted the following points:

- C the area in question is bounded by Cobequid Road, the rail line, Rosemary Drive, and Highway 101.
- C new C-1 uses are considered through the Development Agreement process.
- C staff are recommending in favour of the proposal to increase the maximum size of local commercial uses and feel it is reasonable to consider this increase as the current limit appears to be discouraging development; there has been no application for a new local commercial development in the past 10 years.
- C 2000 sq. ft. maybe too small for business to be financially viable, as the trend is toward larger, multi-faceted commercial complexes
- C the last approved development agreement for local commercial uses was never built as the developer could not find a buyer or tenant

Mr. Agar responded to questions of clarification.

Mayor Kelly reviewed the rules of procedure for public hearings, and then invited anyone wishing to speak on this matter to come forward at this time.

Ms. Gina Byrne addressed Regional Council and noted that she owned a business at 710 Sackville Drive. Ms. Byrne advised that businesses along Sackville Drive were suffering because the majority of residents go elsewhere, such as to the Bayer's Lake Business Park to shop and eat. She questioned the vision of the proposed amendment, and suggested instead that the focus should be on trying to centralize Sackville's shopping and dining district, and encouraging business development in Sackville. Ms. Byrne pointed out that there are empty buildings along Sackville Drive and new development is happening all along Cobequid

Road. Ms. Byrne concluded her remarks by questioning how large of a commercial district Council wanted to have in Sackville.

The Mayor called three times for anyone else wishing to speak; there being none, it was **MOVED by Councillor McCluskey, seconded by Councillor Younger that the public hearing close. MOTION PUT AND PASSED.**

MOVED by Councillor Harvey, seconded by Councillor Johns that Regional Council approve 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”. MOTION PUT AND PASSED.

Councillor Johns advised that he was very supportive of this proposal because it gives the local type of businesses the opportunity to come into the community, and yet the residents will be well protected because the process requires a development agreement which would involve a public hearing.

MOTION PUT AND PASSED.

9.4 Case 01076 - Municipal Planning Strategy Amendments - Beaver Bank, Hammonds Plains and Upper Sackville and Development Agreement - 1725 Hammonds Plains Road - Dog Kennels

First Reading of this matter was given at a Regional Council meeting of August 12, 2008.

A staff report dated May 29, 2008 was before Council for consideration.

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

Correspondence was submitted from the following:

- C Kevin Smith and Linda MacEachern
- C Tracey Stone, Bedford

Mr. Joseph Driscoll, Planner, addressed Regional Council and presented the report outlining the proposal to amend the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law, to enable Council to consider Kennels within the mixed use designations by development agreement. In his presentation, Mr. Driscoll advised that the applicants currently operate a kennel at 1725 Hammonds Plains Road, however, this particular use is not permitted in the MU-1 Zone. He added that the applicants have made an application for the amendment and to enter into a development agreement to permit the existing kennel to continue to operate. Mr. Driscoll noted the following points:

- C the property in question is located between Lucasville Road and Hatfield Farms, which contains a number of mixed uses.
- C the applicants contend that the Municipal Planning Strategy did not anticipate a shift in focus in the dog kennel industry from the enclosing of dogs for extended periods of time to the supervised socialization of dogs in a less confined environment.
- C the demand for dog care has grown.
- C staff have received similar plan amendment requests in other Plan areas
- C the intention of the proposal is to minimize the impact of kennels within the mixed use area, while allowing an avenue for prospective operators to apply to Council to make this use happen
- C the proposed MPS amendment and development agreement would enable application for kennels through the development agreement process within the mixed use designations where a variety of commercial uses are currently permitted.
- C community councils would have discretion over individual applications, which would involve a public participation component
- C the proposed policy amendments and development agreement intend to reduce the potential land use impacts associated with kennels

There were no clarification questions from Council.

Mayor Kelly opened the Public Hearing for anyone wishing to speak on the matter.

Mr. Wallace Peers, Bedford, spoke in support spoke of the application. Mr. Peers advised that he uses the services of Pampered Paws and find that they offer excellent service. He noted the high quality service they provide, comparing it to a 'Bed and Breakfast' for dogs. Mr. Peers also noted that the business has a positive effect on tourism because it allows people to travel with their pets and to be able to go sight-seeing while having their pets well looked after.

Mr. Jim Hanifen, Lewis Lake, spoke in support of the application. He advised that society was changing and that those who are considered 'empty nesters' are including dogs in their lives. He added that the socialization of dogs is a big issue and that facilities like Pampered Paws not only provides great care for each dog but allows the socialization of the dogs.

Ms. Sharon Hanifen, Lewis Lake, spoke in support of the application advising that Pampered Paws was a safe and happy environment to take a dog to and that the owners ensure the environment is clean and healthy for all the dogs attending.

Ms. Deborah Brunt, Stillwater Lake, spoke in support of the application. She noted that she takes her dog to Pampered Paws and it is a safe and clean environment and allows for the socialization of the dogs as well as providing them with a good workout. Ms. Brunt also pointed out the tourist benefit of this facility and noted that there was an RV Park beside the facility. She added that the location of it on the Hammonds Plains Road was appropriate as it acts like a main street connecting the various subdivisions in the area.

Ms. Sandy Finley Thompson, Halifax, spoke in support of the application. In her remarks, she noted the difference in quality of service with Pampered Paws over various other kennels she researched. She pointed out that although she lives in Halifax, she and a neighbour carpool every day to take their dogs to the Pampered Paws facility and that she has been doing this for three years. Ms. Finley Thompson advised that the definition of a Kennel is outdated and no longer what dog owners envision in a facility that looks after their dogs, and that a place like Pampered Paws is what dog owners want.

The Mayor called three times for anyone else wishing to speak; there being none it was **MOVED by Councillor Johns, seconded by Councillor Sloane that the public hearing close. MOTION PUT AND PASSED.**

Mr. Del Clarke, the applicant, addressed Council and thanked staff for their assistance in helping him through the process. Speaking in support of his application, Mr. Clarke noted that the service they provide is client based, and these people end up supporting other community businesses as well as theirs. He advised that they have campsite located behind them and the individuals staying there can take advantage of their doggy daycare service. He noted that, although their primary service is for dogs, they will look after other pets too.

MOVED by Councillor Meade, seconded by Councillor Johns that Regional Council approve the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law as revised and provided in Attachments "A" and "B" of the July 18, 2008 staff report. MOTION PUT AND PASSED.

Councillor Johns noted that residents do not have to be concerned that, by Council passing this motion, it means facilities will begin popping up all over. He advised that this motion simply gives Council the ability to consider this and that each proposal would have to go through the development agreement process.

9.1 Case 01114 - Development Agreement - Hollis/Duke/Upper Water Streets

Regional Council opened the public hearing on September 9, 2008 and due to the number of speakers, the hearing was carried over to this meeting.

Correspondence from the following individuals was submitted since September 9, 2008:

- C Jenn Harrie, Fall River
- C W. David Jamieson, Halifax
- C Blair Beed, Halifax
- C Jen Hill, Halifax
- C Ralph Pineau and Julie Davidson, Halifax
- C Bill Hockey, Halifax
- C Janet and Robert Raffuse, Halifax
- C Glenn Taylor, Halifax

- C David Wallbridge, Halifax
- C Donna McInnis
- C Peter Fillmore, Halifax
- C Leah Terry, Halifax
- C Ann-Noreen Norton
- C J. Barrie Ross

The public hearing continued as follows, with the Mayor noting that only those whose names were on the lists that were signed at the last meeting were eligible to speak this evening:

Ms. Joyce McCulloch, Halifax addressed Council and advised that she has lived in The Bollard House which is a municipally and provincially designated heritage property, for 30 years and has carried out restoration work on it. Ms. McCulloch noted that the Spring Garden Road Municipal Planning Strategy has protected her neighbourhood but she was concerned that this summer there seemed to be movement to change some of the bylaws. She spoke in opposition to the development advising that it was not human-scaled. She suggested that features which are protected by the heritage property act , e.g. roofs, chimneys, rear and side walls, would be cut off. She questioned what would happen to the businesses located in the buildings and whether the developer owns the right-of-way. Ms. McCulloch advised that Halifax is a seaport for heritage tourism and tourists who visit the area want to see the visible history of the City, and not the malls and high rise towers. She encouraged Council to reject the proposal as it does not follow the laws and policies of the Municipality.

Mr. Paul McCulloch, Halifax addressed Council indicating that, for the past 30 years he resided at the property known as The Bollard House. Mr. McCulloch detailed the work which was carried out in restoring his property and suggested that with the right people on the job, it would not be as costly to restore the property in question as the developer indicates.

Mr. Chris Beaumont, Halifax, spoke in opposition to the proposal. He requested that Council put this process on hold to determine whether another proposal could come forward, and perhaps by another owner. Mr. Beaumont advised that in his view, a number of policies in the Regional Planning Strategy are not upheld by the recommended development and this will lead to diminished heritage value; and it fails to maintain the integrity of the heritage building as significant architectural features will be removed. Mr. Beaumont indicated that he also disagreed that the redevelopment will be subordinate to the site. He asked that Council reject the proposal.

Mr. Michael Goodyear, Halifax, read and submitted his presentation. In his remarks, Mr. Goodyear spoke in opposition to the proposal suggesting that if approved it will make a mockery of both the spirit and substance of the Regional Municipal Planning Strategy; it will ruin the character of the whole area; and open the floodgates on the removal of historic buildings.

Mr. Scott Richey, Halifax, advised that he was a student at Kings College, and as a Frosh Leader, he tries to give the students who are new to the city a sense of what it is like. He added that students coming to the universities in Halifax want something different, and the

cities of Toronto and Winnipeg do not have the history that this city does. In this regard Mr. Richey pointed out the significant economic impact that the students have on the city. He also noted that some comments had been made that the properties in question were in a dilapidated state, and suggested that if they have been neglected then Council needs to ask itself, by whom.

Mr. Bernard Davis, Halifax. Mr. Davis reviewed the decision in 1973 that the Council of the day made in regard to the preservation of the buildings in this area and noted that it has resulted in the harbourside stroll that everyone can enjoy. He expressed concern about the impact of the proposed development on the area and the views that will be ruined as a result of the construction of a nine storey office tower.

Mr. Ian Taylor, Halifax. Mr. Taylor advised that he had 35 years experience in studying historic buildings and cities. Mr. Taylor spoke in opposition to the proposal, pointing out that if approved it will turn back the clock in Halifax 35 years to a time when ideas such as the harbour expressway and the demolition of the heritage port district were considered. He noted also that tens of millions of dollars of public money will have been wasted if this project proceeds. Mr. Taylor suggested that this proposal was not following the rules set out that other developers would be required to follow, and that vibrancy of the city will cease if the project goes ahead.

Mr. Sam Austin, Halifax, advised that, although he supports development in the city, he did not support this project because of its design and location. Mr. Austin advised that this block has survived and deserves special consideration and that spaces like this need to be preserved. Mr. Austin noted that there has been reference made to the developer's Founders Square project, however, this proposal does not feel innovative and there needs to be something more suitable for the location. He urged Council not to approve the project.

Ms. Andrea Arbic, Halifax, spoke in opposition to the proposal. In her remarks she advised that the proposal violated the Municipal Planning Strategy on nine counts. Ms. Arbic suggested that there would be nothing left of the buildings but the facades and that a better solution is needed to retain the integrity the heritage infrastructure.

Ms. Laurie Omstead, Hubbards, spoke in opposition to the proposal. She advised that she was a former NSCAD student and her classes were held in the building which is under consideration this evening. Ms. Omstead noted that as a student, she enjoyed taking her classes in the historic buildings and the views that were provided from the buildings. She added that, with the proposal, the only view will be a wall of glass. Ms. Omstead expressed concern that these buildings were now at risk, and noted that the interiors have an exquisite ambiance. She asked Council to reject the proposal.

Ms. Rebecca Jamieson, Halifax spoke in opposition to the proposal. Ms. Jamieson advised that the proposed development stands in stark contravention to the clear policies adopted by Council in 2006. Ms. Jamieson also noted other concerns such as traffic, pointing out that the parking lot is very close to a known traffic bottleneck, and that the parking lot could be prone to flooding. She also suggested that it is not known if disturbance of mud and the

withdrawal of groundwater during and after excavation will cause subsurface compaction and oxidation, potentially destabilizing the Imperial Oil building and perhaps other nearby structures. Ms. Jamieson added that this question should be answered before an approval is considered. She also advised that the proposed office tower is not complementary or subordinate to its surroundings. She requested that Council reject the proposal, indicating that there were vacant sites in the area that were in need of development.

Ms. Cherie Tolson Winters, Bedford, spoke in opposition to the proposal and asked Council to reject it as it does not meet certain policies from the Regional Planning Strategy. She suggested that the demolition permit should not be approved and that the alteration of the facades of the buildings containing O'Carroll's and Sweet Basil's would contravene several of HRM's building conservation standards. She noted that there is a policy which enables the city to acquire registered heritage properties whenever acquisition is the most appropriate means to ensure preservation. Ms. Winters advised that HRM has a responsibility to preserve the heritage buildings and she encouraged Council to do so.

Mr. Tolson Winters, Halifax, advised that he was against the proposed redevelopment. Mr. Tolson advised that this property promised in the past to be preserved and this promise should remain. Mr. Winters added that he would like to see Halifax set up like Quebec and Montreal and have an old Halifax sector in the downtown and then develop around this.

At 8:21 p.m. Council recessed.

At 8:36 p.m. Council reconvened.

Mr. Lars Osberg, Halifax, spoke in opposition to the proposal and urged council to vote against it. He advised that if this was approved it would become the second liability in downtown core, with the first being the Cogswell Street Interchange. Mr. Osberg pointed out that the proposal is for office space, but there is a declining need for office space because there is a declining need for the financial sector. He added that he feels if the project goes ahead it will stall, resulting in a major liability in the downtown, and this is what begins urban blight. Instead, Mr. Osberg advised that Council's major priority in Halifax should be to get rid of the existing liability, i.e. the Cogswell Street Interchange.

Mr. Tom Creighton, Halifax, advised that he has been a member for many years on the City of Halifax and HRM Heritage Advisory Committees. He noted that he is currently Chair of HRM's Heritage Advisory Committee, but this evening he was speaking as a resident only. Mr. Creighton spoke against the proposal pointing out that the elements are not complimentary and it is not subordinate and there is very little integration. Mr. Creighton advised that a lot of glass will be seen from the street level. He noted that we should not always assume that development trumps planning and he expressed the hope that Council would not be bullied by the developer's assertion that lack of approval of this process may bring boarded up buildings or parking lots. Mr. Creighton advised that he hoped Council would follow the rules and come to the correct conclusion that this proposal does not meet either the spirit or intent of the heritage rules.

Mr. Peter Lovell, Halifax, advised that he was in total opposition to the proposal. Mr. Lovell noted that Historic Properties is a beacon for tourists, and that tourism provides a lot of dollars for the local economy, and that Council should not destroy a known money maker in favour of something else. Mr. Lovell advised that planning policies are being ignored in this application and he asked Council to reject the proposal.

Mr. Joy Woolfrey, Purcell's Cove, spoke in opposition to the proposal. Ms. Woolfrey advised that Historic Properties are important for all of Halifax's citizens and is Nova Scotia's and Canada's heritage too. She noted that the staff report does not say whether the Provincial or Federal Governments have been approached for assistance. She urged Council to support the recommendation from the District 12 Planning Advisory Committee and reject the proposal. Ms. Woolfrey issued a challenge to the planners and developer to change the proposal, and seek to engage the Province and Federal Governments. She also suggested land exchange may be an idea, and if all else fails then it may be time for public ownership.

Ms. Woolfrey advised that Alan Ruffman had been on the list to speak, but he was unable to stay. On behalf of Mr. Ruffman, Ms. Woolfrey submitted his comments for the record.

Ms. Judith Cabrita, Lawrencetown, spoke about the impact that heritage has on our quality of life and on tourism. She noted that tourism contributes more than most of our other industries combined together. Ms. Cabrita advised that in understanding the economics of tourism as a business, the historical buildings in question are a treasure because of their authenticity.

Mr. Aaron Murnaghan, Halifax, advised that he was an urban design student and has worked as heritage interpreter for six years. He added that the proposal is reminiscent of 1960's renewal. Mr. Murnaghan advised that he was against the proposal and he felt development could take place without the destruction of facades and other aspects. He advised that the proposal is not a good design, and that Council should ensure the standards are met.

Ms. Rachel Derrah, Halifax, addressed Council and did not speak directly about the proposal. She provided remarks in regard to the need for the City to raise new opportunities for the residents to dialogue on matters like this proposal earlier in the process.

Ms. Janet Chute, Halifax, indicated she was against the proposal. She advised that incongruity comes to mind with the development in Historic Properties, with the upper part of the development which is mostly made of glass. Ms. Chute added that the two visions do not go together. Ms. Chute referred to the previous speakers comments and advised that she supported the idea of establishing public forums for such discussions.

Mr. Larry Haiven, Halifax, addressed Council in opposition to the proposal. He advised that he was alarmed by this application, and that he see changes occurring in the city that threaten to make it less recognizable. Mr. Haiven suggested that development of any office space should be placed on land that is already vacant. He commented that leaving a facade of a building is not heritage preservation or anything like it.

Ms. Irene Fennell, Halifax, addressed Council and spoke about how rare the buildings in question are, pointing out that they are the last of the Georgian style buildings in the City. She advised that Historic Properties is the jewel in the crown of the grouping of historic buildings within the City and she encouraged Council to think this matter through thoroughly.

Mr. Arthur Carter, Dartmouth, advised that he was opposed to the proposal and that he felt it was seriously flawed. Mr. Carter noted that he was a NSCAD student and is familiar with the layout of the interior buildings. He also noted that the buildings were originally large, warehouse spaces and that historic buildings can be creatively adapted to state-of-the-art buildings. He suggested that the developer should be proposing creative solutions and that all the buildings should remain intact.

Mr. Michael Murphy, addressed Council and advised that he was a native Haligonian. He suggested that in his lifetime he has seen the destruction of downtown Halifax, and that only keeping the facades of the buildings was not good enough. He advised that the buildings should remain intact and that there were better uses for this block of properties than what was being proposed.

Mr. Albert Scott, Sackville, advised that he opposed the proposal as presented. In his remarks he indicated that it did not meet all the requirements and that it was not suitable for the area.

Mayor Kelly reviewed the list of names for those who had signed but did not speak. There being no further speakers it was **MOVED by Councillor Sloane, seconded by Councillor Murphy that the Public Hearing close. MOTION PUT AND PASSED.**

The Mayor invited the applicant to come forward at this time.

Mr. Ben McCrae, Chairman, Armour Group addressed Council in regard to his application, clarifying several points as follows:

- C he emphasized that Policy CH1F actually states, 'subordinate *by*'
- C for the proposed addition, the architect has recommended light glass, and HRM staff have supported this and advised that they would not support brick cladding as it would not meet the requirements of the policy.
- C HRM By Design supports rooftops and the use of glass.
- C the policy requires the rooftops to be set back to minimize the impact to the public realm; the Waterside proposal is set back 7½ feet.
- C the interior walls and floors are not covered by the Heritage Property Act
- C the dormers and a lot of the roofs will remain—the roofs will be restored in grey slate
- C representations made concerning the 1973 Council motion are misleading; in 1973 construction on Historic Properties was well underway on both Granville Street and the waterfront. The west side of Granville Street was preserved—the buildings were demolished and rebuilt and the economic incentive for Halifax

Developments to do that was that they were granted the triangle lands and development rights for a 20+ storey building

In concluding his remarks, Mr. McCrae advised that for 40 years he has been an avid supporter of economically feasible heritage building preservation and has devoted years of his working life to maintaining the City's built heritage. He added that he and his company have devoted tens of millions of dollars to these ends. Mr. McCrae pointed out that he has enjoyed a good working relationship with Heritage Conservation groups, and in this regard he finds it difficult that his company is continually attacked by Heritage Trust and misinformation intended to portray he and his company as a destroyer of Historic Properties. He explained that it was the Nova Scotia College of Art and Design, in 1972, that was responsible, through the granting through Historic Properties of a 30 year lease, that made the Granville Street preservation possible. Mr. McCrae added that he is very pleased that NSCAD has come forward and provided unqualified support for the project. Mr. McCrae advised that the status quo is not an option as Armour Group cannot continue to fund a 1/4 million dollar operating loss they are currently committed to.

Mr. McCrae then responded to questions of clarification from Council. The following points were noted:

- C with regard to the pilings, it is not known at this time if they are made of wood or steel. The historic drawings appear to show as wood, but it is possible that the Imperial Oil building is built of steel and concrete; however, whether the pilings are wood or steel, neither material had the ability to have a long lifespan in a tidal zone back in the time it was built.
- C if Council chose not to approve their proposal, the status quo is not acceptable, they would have to pay off the debt against the properties and minimize their losses.
- C the walkway is intended to enhance the commercial viability of the retail tenancy both in the Granville Mall and Historic Properties. They and NSCAD have tried to maintain the viability of the walkway - it will remain open during retail hours only.
- C currently, there are two tenants in the building, one of which was a sandwich shop, however the proprietor had to close because there was not enough volume of business to pay the overhead costs and the rent.
- C the development agreement stipulates that if the Imperial Oil building has to be demolished, the facade will have to be built on the new foundation using as much of the existing material as possible.
- C Heritage Trust of Nova Scotia and Tourism Nova Scotia did not seek to engage in discussion or take a tour of the buildings.

- C the reason for going no less than nine stories on the height of the addition is that this height is needed in order to amortize the costs of the proposal.

Councillor Sloane indicated that before Council makes a decision she would like the matter sent back to staff for two weeks for a supplementary report regarding the comments provided both for and against. She added that she would like to have the following questions answered:

- C the boundary of Historic Properties clarified
- C who owns the land east of Lower Water Street, that is known as Historic Properties
- C have the other two levels of government been approached for aid for preservation
- C is a land swap possible. Councillor Sloane advised that these questions should be answered before Council considers this matter.

MOVED by Councillor Sloane, seconded by Councillor Wile that this matter be deferred for two weeks, pending a supplementary staff report in response to the issues raised.

At this time Mayor Kelly noted that it was close to 10:00 p.m. and he questioned if Council wanted to continue the meeting or adjourn.

MOVED by Deputy Mayor Adams, seconded by Councillor McCluskey that Council continue the meeting until 11:00 p.m. MOTION PUT AND PASSED.

THE MOTION TO DEFER WAS PUT AND DEFEATED.

At 10:08 p.m. Council recessed.

At 10:18 p.m. Council reconvened.

Mr. Luc Ouellet, Planner, addressed Council and responded to question raised by Councillor Sloane. He advised that the site, better known as Historic Properties is under the ownership of HRM. It is under a 75 year lease to the Armour Group and the lease began in 1974.

MOVED by Councillor Streach, seconded by Councillor Karsten that Regional Council approve:

1. **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.**
2. **The amendments to the June 16, 2008, draft development agreement with the schedule contained in Attachment "B" of the July 11, 2008 staff report.**

3. **The replacement of Schedule “D” of the June 16, 2008 draft development agreement with the schedule contained in Attachment “B” of the July 11, 2008 staff report.**
4. **The replacement of Schedule “E” of the June 16, 2008 draft development agreement with the schedule contained in Attachment “C” of the July 11, 2008 staff report.**
5. **Require that the development agreement be signed and returned within 120 days, or any extension thereof granted by Regional Council on request of the Developer, 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.**

A discussion ensued.

Councillor Murphy advised that he wanted the following read into the official record:
The MPS standards of 1,2,5,9 and 10, the policy clearly states that additions, exteriors, alterations, and related new construction shall not destroy materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

Councillor Murphy noted that he could not support this proposal at this time, indicating that some of his concerns were that the walkway will not be open 24 hours, and the access of parking onto Hollis Street will be an issue. He suggested that a land swap or some sort of taxation could mitigate this development, but as currently presented he could not support the development.

Mayor Kelly advised that it was approaching 11:00 p.m. at which time Council agreed to adjourn. He noted that there were eight Councillors yet to speak and he questioned if Council wanted to finish the item or adjourn.

MOVED by Councillor Fougere, seconded by Councillor McCluskey that the meeting adjourn at this time; and this matter come back to Council in two week’s time with a supplementary staff report responding to the questions raised. MOTION PUT AND PASSED.

15. ADJOURNMENT

The meeting adjourned at 11:00 p.m.

Julia Horncastle
Acting Municipal Clerk

The following information items were submitted:

1. Proclamation - National Family Dinner Night - September 18, 2008
2. Proclamation - Symphony Week - September 15 - 20, 2008
3. Proclamation - Learn @ Work Week - September 22 - 26, 2008
4. Proclamation - Responsible Dog Ownership Week - September 20-27, 2008
5. Memorandum from Senior Manager, Financial Services dated September 5, 2008
re: Award of Contracts - CAO Approval - Interim Award Policy
6. Memorandum from Senior Manager, Financial Services dated September 11, 2008
re: By-Law B-400 - Fees for False Alarms
7. Memorandum from Director, Community Development dated September 5, 2008
re: Petition - 52 Unit Apartment Building, 30 Old Sackville Road, Lower Sackville
8. Memorandum from Chair, Grant Committee dated September 8, 2008
re: By-Law T-200 - Tax Exemption for Non-Profit Organizations - Deferred and New Applications 2008 - 2009

9. Memorandum from the Acting Municipal Clerk dated September 12, 2008
re: Requests for Presentation to Council - None