

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL
MINUTES
(REVISED)
March 31, 2009

PRESENT:

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

REGRETS:

Councillor: Gloria McCluskey

STAFF:

Mr. Dan English, Chief Administrative Officer
Mr. Martin Ward, Municipal Solicitor
Ms. Julia Horncastle, Acting Municipal Clerk
Ms. Chris Newson, Legislative Assistant

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1. INVOCATION

Mayor Kelly called the meeting to order at 6:00 p.m. with the Invocation being led by Councillor Walker.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Sloane announced that Neptune Theatre would be hosting a sneak peek of the 2009 season on April 2nd from 12:00 - 1:00 p.m.

Councillor Watts announced that a public meeting would be held at 7:00 p.m. on April 1st at the Holiday Inn Select on the corner of Robie Street and Quinpool Road to present the recommended option for the Quinpool Road Streetscape Design.

Councillor Dalrymple noted that the annual Beaver Bank / Kinsac Town Hall meeting would be held on April 1st at 7:00 p.m. in the Beaver Bank Recreation Centre. He also noted that on Saturday, April 4th, Minor Baseball registration would take place; also on Saturday at 4:00 p.m. the Wellington Drift Climbers Auction and Dinner would be held at Shooters in Enfield.

Councillor Younger reminded residents of a 7:00 p.m. meeting on Monday, April 6th at the Woodlawn Road Library in regard to an announcement concerning the Library's expansion.

Councilor Mosher noted that on Wednesday, April 1st the John W. MacLeod school on Purcell's Cove Road would be showing Beauty and the Beast at 6:30 p.m. She and Councillor Adams attended the Spryfield Community Visioning event on Saturday, March 28th and encouraged residents to complete the online survey found at www.halifax.ca.

Deputy Mayor Hendsbee announced an Easter Egg Hunt to be held on Saturday, April 4th at 10:00 a.m. at the Porter's Lake Community Centre with an Easter Bunny Party to follow at 12:30 p.m. He noted that two blood donor clinics would be held on Monday and Tuesday, April 6th and 7th from 5:00 - 8:00 p.m.

Councillor Johns announced the Springfield Lake Recreation Centre's Breakfast with the Easter Bunny from 9:00 - 11:00 a.m. on April 5th followed by an Easter Egg Hunt from 11:00 - 12:00 noon.

Councillor Outhit reminded residents of a Townhall Meeting to be held at the Basinview Elementary School on Thursday, April 2nd. Items for discussion include Waterfront Development and the new Four-Pad Arena. A question and answer session with staff will be held.

Councillor Barkhouse noted the Kiwanis would be hosting a Community Clean-up at the Woodside Ferry Terminal at 10:00 a.m. on April 4th. On Sunday, April 5th, there would be an Easter Egg Hunt at the Community Garden in Eastern Passage commencing at 1:00 p.m.

Councillor Nicoll announced the Cole Harbour Rural Heritage Society's annual fundraiser to be held at the Brightwood Golf Club with a Silent Auction and Dinner.

3. APPROVAL OF MINUTES - NONE

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

- Additions:
- 12.1 Proclamation - Records and Information Management Month - April 2009
 - 12.2 In Camera - Personnel Matter - Appointments to Boards / Committees / Commissions
 - 12.3 Maritime Fall Fair - Councillor Younger

Councillor Hum entered the meeting at 6:12 p.m.

Councillor Uteck entered the meeting at 6:14 p.m.

MOVED BY Councillor Younger, seconded by Councillor Karsten that HRMbyDesign be moved to the regular Council agenda to expedite the process rather than reconvening Committee of the Whole. MOTION PUT AND PASSED.

- 12.4 HRMbyDesign
- 12.5 HRM Newcomers Guide - Councillor Blumenthal

MOVED BY Councillor Blumenthal , 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 - NONE

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence

9.1.1 Request for Ceremonial Flypast - Maritime Forces Atlantic - DND Family Days

- A letter dated March 17, 2009 from Captain John F. Newton, Base Commander, Canadian Forces Base Halifax, was before Council.

MOVED BY Councillor Blumenthal, seconded by Councillor Johns that Halifax Regional Council grant permission to the Department of National Defence for flights over Halifax Harbour on Saturday, June 6th and Sunday, June 7th, 2009 for the Canadian Forces Department of National Defence Family Days and Canadian Forces Open House. MOTION PUT AND PASSED.

9.1.2 Canadian Bottled Water Association Re: Banning of Bottled Water from HRM Facilities

- A letter dated March 26, 2009 from Ms. Elizabeth Griswold, Executive Director, Canadian Bottled Water Association (CBWA) was before Council.

MOVED BY Councillor Karsten, seconded by Councillor Uteck that Items 9.1.2 and 9.1.3 be dealt with jointly and that both items be forwarded to the Solid Waste Resource Advisory Committee for review and comment. MOTION PUT AND PASSED.

9.1.3 Nestle Waters Canada - re: Banning of Bottled Water from HRM Facilities

- A letter dated March 16, 2009 from Ms. Gail Cosman, President, Nestlé Waters, was before Council.

This item was dealt with jointly under Item 9.1.2. See above.

9.2 Petitions - NONE

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Tender 09-219 - Hammonds Plains Road Widening - Central Region

- A report dated March 17, 2009 was before Council.

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

1. Approve a budget increase of \$731,709.49 (net HST included) to Capital Account No. CTU01006, Roadway Oversizing-Bedford West CCC, funded through cost sharing with Halifax Water.
2. Approve an increase in the Gross Capital Budget of Capital Account CTU01006, Roadway Oversizing-Bedford West CCC, in the amount of \$48,000 (net HST included) funded from Q131-EUGS Co-Location Reserve as per the Budget Implications section of the report dated March 17, 2009 to reflect the cost sharing of the installation of a natural gas pipeline from Heritage Gas.
3. Award Tender No. 09-219, Hammonds Plains Road Widening - Central Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$2,925,495.47, net HST included, from Capital Account No. CTU01066, Roadway Oversizing-Bedford West CCC, with funding authorized as per the Budget Implications section of the report dated March 17, 2009.

MOTION PUT AND PASSED.

10.1.2 Proposed Administrative Order SC-56, Respecting Closure of a Portion of Princess Place, Halifax

- A report dated March 9, 2009 was before Council.

MOVED BY Councillor Sloane, seconded by Councillor Uteck that Halifax Regional Council approve in principle Administrative Order SC-56, Respecting Closure of a Portion of Princess Place, Halifax. MOTION PUT AND PASSED.

Notice of Motion was given later in the meeting. See Item 13.3.

10.1.3 Encroachment Agreement - Dalhousie University, LeMarchant Street

- A report dated March 11, 2009 was before Council.

MOVED BY Councillor Uteck, seconded by Councillor Sloane that Halifax Regional Council approve the attached Encroachment Agreement to allow Dalhousie University to install an underground electrical conduit structure on LeMarchant Street to service the Killam Library. MOTION PUT AND PASSED.

10.1.4 Proposed By-Law L-127, An Amendment to By-Law L-100, Respecting Charges for Local Improvements - Hillside Water Utility Upgrade - Bomont Subdivision, Elmsdale

- A report dated March 5, 2009 was before Council.

MOVED BY Councillor Streach, seconded by Deputy Mayor Hendsbee that Halifax Regional Council:

- 1. Approve in principle and begin the process for adoption of Local Improvement By-Law L-127, attached as Attachment 1 to the report dated March 5, 2009, to set the charges for an upgrade and subsequent take-over by Halifax Water of the Hillside Water Utility.**
- 2. Subject to the approval of By-Law L-127, authorize Halifax Water to be the contracting agency for the required upgrade of the line prior to take-over by Halifax Water.**
- 3. Approve in principle the Project Budget for the Hillside Water Utility Upgrade in the amount of \$380,000 gross, including net HST, with the net residual amount (after \$190,000 in funding from the Provincial Capital Assistance Program) funded from a Local Improvement Charge.**

MOTION PUT AND PASSED.

Notice of Motion was given later in the meeting. See Item 13.1, page 26.

10.1.5 Proposed By-Law L-129, An Amendment to By-Law L-100, Respecting Charges for Local Improvements - Sanitary Sewer Line Upgrade - 2046-2068 Brunswick Street, Halifax

- A report dated March 6, 2009 was before Council.

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

- 1. Approve in principle and begin the process for the adoption of Local Improvement By-Law L-129 attached as Attachment 1 to the report dated March 6, 2009, to set the charges for an upgrade and subsequent take-over by Halifax Water of a sanitary sewer line located at 2046 to 2068 Brunswick Street, Halifax and set a public hearing date;**
- 2. Subject to the approval of By-Law L-129, authorize Halifax Water to be the contracting agency for required upgrades of the system prior to take-over by Halifax Water.**

3. Approve in principle the Project Budget for the upgrade and take-over of the sanitary sewer line at 2046 to 2068 Brunswick Street, Halifax, in the amount of \$205,000 gross, including net HST, to be funded from a Local Improvement Charge.

MOTION PUT AND PASSED.

Notice of Motion was given later in the meeting. See Item 13.2, page 27.

10.1.6 Extension of Central Water Services, Middle Musquodoboit

- A report dated March 17, 2009 was before Council.

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

1. Initiate the process to consider amendments to the Regional Subdivision By-Law and the Musquodoboit Valley/Dutch Settlement Municipal Planning Strategy (MPS) to establish a Water Service Area along Highway 224 in Middle Musquodoboit; and,
2. Follow the public participation program as approved by Council in February 1997.

MOTION PUT AND PASSED.

10.1.7 Temporary Borrowing Resolutions and 2009 Spring Debenture

- A report dated March 23, 2009 was before Council.

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

1. Authorize the Mayor and Municipal Clerk to sign the Resolution for Pre-Approval of Debenture Issuance Subject to Interest Rate confirmation, not to exceed 6.5% to enable the Halifax Regional Municipality to issue a 10-year debenture in the amount of \$35,351,700 and 20-year debenture in the amount of \$17,200,000 for a total of \$52,551,700.
2. Approve a Temporary Borrowing Resolution in the amount of \$7,751,700 for refinancing of the balloon payment from the 99-A1 Debenture.
3. Approve a Temporary Borrowing Resolution in the amount of \$6,318,000 for renewal of the expiring Temporary Borrowing Resolution 04/05-04.

MOTION PUT AND PASSED.

10.1.8 First Reading By-Law S-427, An Amendment to By-Law S-400, Respecting Charges for Street Improvements

- A report dated March 11, 2009 was before Council.

MOVED BY Councillor Lund, seconded by Councillor Walker that Halifax Regional Council approve First Reading of By-Law S-427, an amendment to By-Law S-400, respecting charges for street improvements as attached to the March 11, 2009 report. MOTION PUT AND PASSED.

10.2 WESTERN REGION COMMUNITY COUNCIL

10.2.1 Uniform Charge for Birch Bear Run Homeowners Association

- A report dated March 24, 2009 was before Council.

MOVED BY Councillor Lund, seconded by Councillor Sloane that Halifax Regional Council approve a uniform charge of \$60.00 per property to be applied against the properties within the mapped area depicted in Appendix A of the attached staff report dated February 19, 2009 for a period of four (4) years commencing with the 2009/10 fiscal year for the purpose of funding the construction of a new playground for Birch Bear Woods subdivision. Implementation of the area rate would be conditional on the Birch Bear Homeowners Association securing one-third funding from HRM and one-third funding from the Nova Scotia Department of Health Promotion and Protection. MOTION PUT AND PASSED.

10.3 HERITAGE ADVISORY COMMITTEE

10.3.1 Case H00220 - De-Registration of 170 Exhibition Grounds Road, Middle Musquodoboit (A Municipally Registered Heritage Property)

- A report dated March 10, 2009 was before Council.

MOVED BY Councillor Streach, seconded by Councillor Uteck that Halifax Regional Council set a date for a heritage hearing to consider the de-registration of the Harrison House, located at 170 Exhibition Grounds Road, Middle Musquodoboit, as shown on Map 1 of the December 15, 2008 staff report.

Councillor Uteck requested that staff be made aware of the issues surrounding this matter in regard to permitting entire structures to have been removed which created instability of the building.

MOTION PUT AND PASSED.

10.4 MEMBERS OF COUNCIL

10.4.1 Deputy Mayor Hendsbee - Request for Report re: Succession Planning for Town Crier

MOVED BY Deputy Mayor Hendsbee, seconded by Councillor Blumenthal that Halifax Regional Council request a staff report regarding the planning succession, in collaboration with the Town Criers Guild of Nova Scotia, for the succession of a Town Crier, with regard to a Town Crier competition to possibly coincide with Tall Ships 2009; therefore, ensuring HRM has a Town Crier in place for the 2009 Natal Day festivities. MOTION PUT AND PASSED.

11. MOTIONS

11.1 Councillor Watts

MOVED BY Councillor Watts, seconded by Councillor Blumenthal that Halifax Regional Council request a staff report in regard to encouraging environmentally sustainable water choices by:

- 1. Continuing to phase out the sale and distribution of bottled water from City Hall.**
- 2. Phasing out the sale and distribution of bottled water at all HRM owned and operated facilities, including vending machines, where there is appropriate water safety and availability.**
- 3. Increasing the availability of tap water in HRM facilities, where required.**
- 4. Committing to provide water-dispensing units at HRM organized and sponsored special events.**
- 5. Launching a public awareness campaign to promote the consumption of public water as a safe, high quality and convenient alternative to bottled water.**

During the ensuing discussion on the motion, Members of Council requested the following items be included in the staff report:

- 6. Confirmation on the quality of tap water at City Hall in regard to concerns of lead pipes and whether or not the tap water is safe for consumption.**

7. Have a phase in process due to sponsorship programs at special events that may be affected.
8. Provide a list of all HRM owned and operated facilities that would be affected and; provide a list of those facilities that would have access to potable water.
9. Provide short term steps that could be taken at little or no cost.
10. What are the legalities in regard to HRM's ability to enforce reduction of bottled water usage at HRM owned and operated facilities.
11. Options for providing better recycling opportunities at existing facilities and sports fields to reduce the amount of bottles going to the landfill.
12. What are the risks, such as chance of contamination, that HRM could be exposed to by providing potable tap water to the public at HRM owned and operated facilities. Concerns to be reviewed include: lead pipes, arsenic/bacteria in dug wells.
13. Provide statistics on facilities in other areas that have banned bottled water from vending machines and information on: what alternatives to bottle water were provided; did the ban on bottled water increase the consumption of sugary drinks.
14. Consider a possible partnership with the provincial Resource Recovery Board for recycling containers at HRM owned and operated facilities.
15. Evaluate what the impact would be to the carbon footprint if alternatives to bottled water were implemented such as: What would the comparative cost be to update the infrastructure throughout HRM to ensure safe potable water was available at HRM owned and operated facilities including sport fields, and; What would be the impact of utilizing Styrofoam cups instead of bottled water.

Councillor Watts explained that the intent of her motion was to provide a good, safe, public water supply for all as water is a fundamental human right. The issue was also in regard to recycling and reducing the number of plastic bottles. She noted that there was no easy solution and that there would be struggle involved. A good education program would be an important component.

Mr. Phil Townsend, Acting Director, Infrastructure and Asset Management, noted that the report would take considerable staff time, a timeline of more than three weeks, due to the research required to provide response to the concerns raised.

MOTION PUT AND PASSED.

12. ADDED ITEMS

12.1 Proclamation - Records and Information Management Month - April 2009

Item accepted as presented for information purposes. No further action required.

12.2 Personnel Matter - Appointments to Boards/Committees/Commissions

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

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

- 1. Approve the Councillors and Citizens appointments Boards/Committees/Commissions as outlined in Attachment 1 of the staff report dated March 31, 2009.**
- 2. The Terms of Reference of the Spryfield Lion's Arena Committee be amended to enable both area Councillors (District 17 & 18) to be ex-officio voting members.**

MOTION PUT AND PASSED.

12.3 Maritime Fall Fair

MOVED BY Councillor Younger, seconded by Councillor Streach that Halifax Regional Council request that the Mayor write a letter to Mr. Scott Ferguson, Acting Manager, Trade Centre Limited, expressing Council's concern with the possible downsizing of the Maritime Fall Fair and the potential that it may move from Exhibition Park to another location such as Truro. MOTION PUT AND PASSED.

12.4 HRMbyDesign

This item was dealt with at an earlier Committee of the Whole session and was added to the regular agenda during the approval of the order of business.

MOVED BY Councillor Streach, seconded by Councillor Smith that Halifax Regional Council approve in principal the design, plan and by-laws of HRM by Design being brought forward for First Reading April 7, 2009.

Council recessed at 7:26 p.m.

Council reconvened at 7:38 p.m.

The following amendments were brought forward for consideration at this time:

MOVED BY Councillor Streach, seconded by Councillor Blumenthal that the motion be amended as follows:

- 1. Include the Halifax Herald and Midtown Site to accommodate the World Trade and Convention Centre and come back to Council with a proposal at First Reading;**
- 2. A report be provided on an additional policy to be included under 3.23 of the MPS that Council prioritize the Housing Affordability Functional Plan and negotiate with the Provincial Government to develop legislation to enable HRM to require a percentage of affordable housing in development proposals within HRM by Design.**
- 3. Instruct staff to prepare the appropriate revisions to HRM by Design documents to enable Council to consider development agreement applications, submitted prior to March 31, 2009 under the existing policies of the Halifax Municipal Planning Strategy.**
- 4. The development agreement applications timeline be three years to start from date of execution of the development agreement and three years to complete the project.**

Councillor Younger requested that the recommendations be voted on separately.

Councillor Watts requested a recorded vote for each recommendation.

Recommendation 1:

MOVED BY Councillor Streach, seconded by Councillor Blumenthal that the motion be amended to include the Halifax Herald and Midtown Site to accommodate the World Trade and Convention Centre and come back to Council with a proposal at First Reading. MOTION PUT AND PASSED.

Those voting in favour were: Mayor Kelly, Deputy Mayor Hendsbee, Councillors Streach, Dalrymple, Nicoll, Karsten, Barkhouse, Smith, Wile, Blumenthal, Sloane, Uteck, Walker, Hum, Adams, Outhit and Lund.

Those voting against were: Councillors Younger, Watts and Harvey.

Those absent for the vote: Councillors McCluskey, Mosher, Johns and Rankin.

Recommendation 2:

MOVED BY Councillor Streach, seconded by Councillor Blumenthal that the motion be amended as follows: A report be provided on an additional policy to be included under 3.23 of the MPS that Council prioritize the Housing Affordability Functional Plan and negotiate with the Provincial Government to develop legislation to enable HRM to require a percentage of affordable housing in development proposals within HRM by Design. MOTION PUT AND PASSED.

Those voting in favour were: Mayor Kelly, Deputy Mayor Hendsbee, Councillors Streach, Dalrymple, Nicoll, Younger, Karsten, Barkhouse, Smith, Wile, Blumenthal, Sloane, Uteck, Watts, Walker, Hum, Adams, Harvey, Outhit and Lund.

Those absent for the vote: Councillors McCluskey, Mosher, Johns and Rankin.

Recommendation 3:

MOVED BY Councillor Streach, seconded by Councillor Blumenthal that the motion be amended to instruct staff to prepare the appropriate revisions to HRM by Design documents to enable Council to consider development agreement applications, submitted prior to March 31, 2009 under the existing policies of the Halifax Municipal Planning Strategy. MOTION PUT AND PASSED.

Those voting in favour were: Mayor Kelly, Deputy Mayor Hendsbee, Councillors Streach, Dalrymple, Nicoll, Younger, Karsten, Barkhouse, Smith, Wile, Blumenthal, Sloane, Uteck, Walker, Hum, Adams, Harvey, Outhit and Lund.

Those voting against were: Councillor Watts

Those absent for the vote: Councillors McCluskey, Mosher, Johns and Rankin.

Recommendation 4:

MOVED BY Councillor Streach, seconded by Councillor Blumenthal that the motion be amended as follows: That the development agreement applications timeline be three years to start from date of execution of the development agreement and three years to complete the project. MOTION PUT AND PASSED.

Those voting in favour were: Mayor Kelly, Deputy Mayor Hendsbee, Councillors Streach, Dalrymple, Nicoll, Younger, Karsten, Barkhouse, Smith, Wile, Blumenthal, Sloane, Uteck, Walker, Hum, Adams, Harvey, Outhit and Lund.

Those voting against were: Councillor Watts

Those absent for the vote: Councillors McCluskey, Mosher, Johns and Rankin.

The amended motion now reads as follows:

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

- 1. Approve in principal the design, plan and by-laws of HRM by Design being brought forward for First Reading April 7, 2009.**
- 2. Include the Halifax Herald and Midtown Site to accommodate the World Trade and Convention Centre and come back to Council with a proposal at First Reading.**
- 3. A report be provided on an additional policy to be included under 3.23 of the MPS that Council prioritize the Housing Affordability Functional Plan and negotiate with the Provincial Government to develop legislation to enable HRM to require a percentage of affordable housing in development proposals within HRM by Design.**
- 4. Instruct staff to prepare the appropriate revisions to the HRM by Design documents to enable Council to consider development agreement applications, submitted prior to March 31, 2009, under the existing policies of the Halifax Municipal Planning Strategy.**
- 5. The development agreement applications timeline be three years to start from date of execution of the development agreement and three years to complete the project.**

Without a vote being taken on the motion, the following amendments were brought forward for consideration at this time:

MOVED BY Councillor Streach, seconded by Councillor Sloane that the motion be amended to approve in principle the two heritage conservation districts, Barrington Street South Heritage Conservation District and Historic Properties/Granville Mall Area Heritage Conservation District, as part of HRM by Design. MOTION PUT AND PASSED.

MOVED BY Councillor Karsten, seconded by Councillor Younger that Halifax Regional Council not initiate amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-Law requested by the Heritage Trust of Nova Scotia.

Councillor Karsten explained that the Heritage Trust of Nova Scotia could present their comments during the upcoming public hearing in accordance with the Discussion section of the staff report which indicates that substantial public participation has already taken

place and that opportunity for public comment would be provided at the upcoming public hearing. He thanked the Heritage Trust of Nova Scotia for their interest but noted that it would be premature to hear their comments at this time as it may jeopardize the process.

Councillor Sloane requested a recorded vote on the motion.

MOTION PUT AND PASSED.

Those voting in favour were: Mayor Kelly, Deputy Mayor Hendsbee, Councillors Streach, Dalrymple, Nicoll, Younger, Karsten, Barkhouse, Smith, Wile, Blumenthal, Uteck,, Walker, Hum, Adams, Harvey, Outhit and Lund.

Those voting against were: Councillors Sloane and Watts.

Those absent for the vote were: Councillors McCluskey, Mosher, Johns and Rankin.

The amended motion now reads as follows:

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

1. **Approve in principal the design, plan and by-laws of HRM by Design being brought forward for First Reading April 7, 2009.**
2. **Include the Halifax Herald and Midtown Site to accommodate the World Trade and Convention Centre and come back to Council with a proposal at First Reading.**
3. **A report be provided on an additional policy to be included under 3.23 of the MPS that Council prioritize the Housing Affordability Functional Plan and negotiate with the Provincial Government to develop legislation to enable HRM to require a percentage of affordable housing in development proposals within HRM by Design.**
4. **Instruct staff to prepare the appropriate revisions to the HRM by Design documents to enable Council to consider development agreement applications, submitted prior to March 31, 2009, under the existing policies of the Halifax Municipal Planning Strategy.**
5. **The development agreement applications timeline be three years to start from date of execution of the development agreement and three years to complete the project.**

6. Approve in principle the two heritage conservation districts, Barrington Street South Heritage Conservation District and Historic Properties/Granville Mall Area Heritage Conservation District, as part of HRM by Design
5. Not initiate amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-Law requested by the Heritage Trust of Nova Scotia.

Discussion ensued on the motion with the following amendments brought forward for consideration:

MOVED BY Councillor Walker, seconded by Councillor Streach that Policy 89 be amended to read as follows:

“Notwithstanding the forgoing policies, where a proposed amendment addresses unforeseen circumstances, or is deemed by Council to confer significant economic or social, or cultural benefits to HRM beyond the bonus zoning provisions of this Plan, such amendments shall be considered by Council at any time regardless of the schedule for reviews.”

MOTION PUT AND PASSED.

MOVED BY Councillor Watts that Halifax Regional Council amend the process to have approval of change in proposal for a development come under a Development Agreement process rather than a site plan approval process.

Mr. Paul Dunphy, Director, Community Development, noted that the proposed amendment would be a fundamental change to the draft HRMbyDesign policies submitted by the Urban Design Task Force as many sections of proposed By-Law would have to be restructured. He suggested that, in respect to the work already done by the Urban Design Task Force, that the amendment be referred back to them for comment/consideration.

Having no seconder for the motion, the **MOTION WAS LOST.**

Councillor Watts brought forward nine additional amendments for consideration at this time. Each amendment was dealt with separately as noted below:

Recommendation 1:

MOVED BY Councillor Watts, seconded by Councillor Barkhouse that Halifax Regional Council amend Appendix B in the Downtown Halifax Secondary Municipal Planning Strategy to include under the performance measures the topic of housing affordability with indicator and baseline measure information.

Members of Council expressed concern with the number and extent of proposed amendments being brought forward prior to the public hearing and without the information having been circulated in advance for Council and staff review prior to debate.

Council recessed at 8:36 p.m.

Council reconvened at 8:45 p.m.

Mr. Dunphy clarified that in order to comply with due process, all information for consideration at the public hearing would have to be contained in the package prior to Council giving first reading. He noted that staff would prepare a Supplementary Report addressing all amendments prior to first reading being given.

MOTION PUT AND PASSED.

Discussion ensued on the next proposed amendment as follows:

Recommendation 2:

MOVED BY Councillor Watts, seconded by Councillor Harvey that Halifax Regional Council amend By-Law 4 under Subsection 2 concerning the composition of Design Review Committee to read as follows: “ *Where possible, the Committee shall be comprised of four (4) architects, one of which specializes in heritage conservation.*”

Mr. Dunphy noted that staff could not support the recommendation as there currently was no designation in the field of Architecture for a specialty in Heritage Conservation. The Urban Design Task Force had discussed the issue and suggested a rotation of Architects on the Committee. He further noted that heritage matters would be referred to the Heritage Advisory Committee.

Councillor Harvey noted that the amendment suggests that an architect specializing in heritage conservation be selected “*where possible*” adding that it would be beneficial to do so “*where possible*”.

Councillor Sloane suggested an amendment to the Heritage Advisory Committee’s composition to accommodate more professionals.

MOTION DEFEATED.

Discussion ensued on the next proposed amendment as follows:

Recommendation 3:

MOVED BY Councillor Watts, seconded by Councillor Sloane that Halifax Regional Council amend By-Law 4 under Subsection 2 concerning the composition of the

Design Review Committee to read as follows: “ A member of the Heritage Trust be appointed to the Design Review Committee”.

Mr. Dunphy advised that staff were not in support of the motion and recommended against it due to the concern that having one group represented on the Committee would suggest that it was a Stakeholder Committee and any number of others would then have to be considered. One stakeholder group on the Committee could prejudice the outcome. He responded to Councillor Watts that the Barrington Street Heritage Plan Committee had a fundamentally different purpose than the Design Review Committee and was more representative of stakeholder interests.

Councillor Harvey commented that the Heritage Trust would bring professionalism to the table as they have been in existence for fifty (50) years and have risen to a point where they are recognized.

MOTION TO AMEND PUT AND DEFEATED.

Discussion ensued on the next proposed amendment as follows:

Recommendation 4:

MOVED BY Councillor Watts, seconded by Councillor Sloane that Halifax Regional Council amend Policy 18 in the Downtown Halifax Secondary Municipal Planning Strategy so that the bonus zoning provisions of the policy have two categories established. Category A would include a), c) and i) and Category B would include b), d), e), f), g) and h). The bonuses for these categories could be established either on a height variable whereby Category A would be required for above a 4.5 metre height and Category B for when height bonus requests are below 4.5 metres. Alternatively, a difference in payment could be established whereby to provide a lower rate for Category A (\$4.00 per square foot) and a higher rate for Category B.

Mr. Dunphy advised that staff were not able to provide comment at this time due to the complexity of the issue.

Councillor Uteck noted that she was not in support of the proposed amendment as the height schemes would become open to interpretation.

Councillor Sloane requested that the Supplementary Report include information on whether the proposed amendment would fit into the HRMbyDesign theme.

Councillor Younger noted that he was not in support of the proposed amendment as the issue of housing had already been discussed. The proposed amendment was more confusing and appeared to be of less value.

MOTION DEFEATED.

Discussion ensued on the next proposed amendment as follows:

Recommendation 5:

MOVED BY Councillor Watts, seconded by Councillor Sloane that Halifax Regional Council amend By-Law 12 Subsection 1 from a value of not less than \$4.00 per 0.1 square metre of gross floor area to a value that reflects the medium of density bonus values drawn from Canadian practices.

Councillor Uteck noted that she was not in support of the proposed amendment as HRM, in comparison with other cities, was already at the medium to high end in regard to development costs. She suggested a possible review of pricing could take place in two years.

Councillor Watts clarified that she was suggesting that staff look at medium prices across Canada rather than the low end as HRM could take control of the bonus issue.

Councillor Lund expressed concern with applications that would already be in process if a pricing review were to be conducted in two years.

Mr. Dunphy advised that staff could not provide a response on the proposed amendment at this time as further review would be required. He noted that the bonus issue had been discussed at length by the Urban Design Task Force. Extensive stakeholder consultation had also been held in regard to the bonus issue. He advised that further consultation with the Urban Design Task Force and stakeholders may be required as the proposal may be a substantial change.

Councillor Sloane suggested that all amendments put forward be used as a review mechanism for HRMbyDesign.

MOTION DEFEATED.

Discussion ensued on the next proposed amendment as follows:

Recommendation 6:

MOVED BY Councillor Watts, seconded by Deputy Mayor Hendsbee that Halifax Regional Council amend By-Law 12 Subsection 3 so that the square metre rate of the bonus is adjusted annually in accordance with the Consumer Index Price and that Council can adjust the rate on an annual basis that reflect changes in the economic climate and development market.

Councillor Uteck advised that she was not in support of the proposed amendment as it was too similar to the tax reform. She suggested that the idea be considered during a review of the plan in two years.

Deputy Mayor Hendsbee noted that the ability for Council to change rates as necessary rather than be stuck to a By-law that would require a public hearing process to amend had merit.

Mr. Dunphy advised that staff could see no complications in regard to the proposed amendment and would be in agreement with it moving forward. There would be no confusion in regard to the rates charged as the application fee would be that fee in affect when the person applied for a permit. He noted that this issue was already part of the proposed By-Law in that any change to the Consumer Price Index (CPI), which would be set by an outside party, would be reflected in the HRM fees.

Councillor Watts noted that the proposed By-Law does address the Consumer Price Index, however; the proposed amendment would provide Council the ability to change the rates based on the economic climate and development market not just on the Consumer Price Index.

MOTION DEFEATED.

Discussion ensued on the next proposed amendment as follows:

Recommendation 7:

MOVED BY Councillor Watts, seconded by Councillor Harvey that Halifax Regional Council amend the height and massing form rules in the Heritage Conservation Districts to require that rooftop additions to buildings in the districts be stepped back in a manner so that the additions are inconspicuous from the opposite side of the street and ensure the visual prominence of the heritage building. This setback formula may be varied according to a variance mechanism that would use the proposed 10' foot setback and then to allowable height subject to Heritage Advisory Committee and Design Review Committee review.

Councillor Uteck commented that in many districts the value would not be in the height but rather the street view. What would be considered "inconspicuous" would be open to subjectivity.

Mr. Andy Fillmore, Project Manager, Urban Design, advised that the proposed amendment would be very complicated to administer requiring complicated mathematics. He noted that the Urban Design Task Force had deliberated at length on a very similar motion which failed. The option put forward by the Urban Design Task Force is outlined in the plan.

Deputy Mayor Hendsbee noted that he was not in support of the proposed motion as the amendment would restrict the capacity for rooftop additions and would seriously impact what could be done due to the restrictive setbacks.

Councillor Watts noted that part of HRM's heritage has been the ability to be site specific and it was Council's desire to have specifics in the design plan rather than interpretation.

MOTION DEFEATED.

Discussion ensued on the next proposed amendment as follows:

Recommendation 8:

MOVED BY Councillor Watts, seconded by Councillor Lund that Halifax Regional Council amend Policy 88 to read that a modified two (2) year review of the plan will be provided to Regional Council.

Councillor Younger noted that the proposed amendment sounded good but would not be practical as most projects would not even be at point of construction in two years time. He expressed concern that work on the Heritage Districts may have to be halted in order to do a review in such a short timeframe.

Mr. Dunphy commented that a number of Developers had noted earlier that day that it takes a certain length of time to get a project started. A two-year time frame would unlikely provide time for any evidenciary development. He noted that a five-year time frame had been incorporated into previous planning acts as five years was deemed to be a reasonable period of time. He explained that one concern with a five year review timeframe wait would be the risk of loopholes that would not be addressed. Mr. Dunphy explained that staff would bring forward to Council any and all fundamental flaws and instigate specific amendments as required.

Councillor Streach advised that he was not in support of a two year timeframe as the Developers were very clear that two years was not enough time. He noted that a five year time frame would place the review in the realm of the next Council.

Councillor Sloane suggested a four year timeframe for the review as that would ensure the availability of the knowledge and experience of the current Council.

Councillor Harvey noted that many planning acts included a provision for a review in five years time but very few, if any, actually were reviewed.

Councillor Lund suggested a report from staff in two years in regard to success/failure/weaknesses of the plan.

Councillor Sloane suggested an update be provided to Council every two years and that benchmarks be put in place for a third party, such as Design Plan students, to provide a "report card" to Council similar to the report card provided to Regional Council by the Metro Chamber of Commerce which would alleviate the concern of HRM resources being taxed with conducting and presenting the review.

Mr. Dunphy noted that some of the comments being brought forward indicate that Council's understanding of what constitutes a plan review was different from what staff perceived as more of a plan monitoring process which would be a simpler task and one that staff could accommodate.

Mr. Austin French, Manager, Planning Services, noted that on page 64 of the proposed Municipal Planning Strategy, Policy 87, suggests that an annual review and report to Council would be provided in regard to any amendments that would not require substantive changes.

In response to Councillor Sloane, Mr. Dunphy advised that it would be premature to assign a particular group to conduct the high level review and that the Urban Design Task Force has expressed interest in providing that service.

Councillor Uteck noted that the timeframe for review should not be any shorter than five years as there are annual reviews done by the Chief Administrative Officer as well as a Corporate and Economic Scorecard and an annual HRM survey.

MOTION DEFEATED.

MOVED by Councillor Sloane, seconded by Councillor Watts that Halifax Regional Council amend the motion to include a reduction in height limits for Barrington South from 70' to 50'.

Mr. Andy Fillmore, Project Manager, Urban Design, advised that the Urban Design Task Force had debated this topic and a motion had been put forward to lower the height from 70' to as low as 40' but that motion failed.

Councillor Sloane noted that due to the approximately two years that it would take to have those areas designated Conservation areas she wanted to have some protection for those areas now.

Mr. Fillmore advised that the proposed amendment would be a substantive change and would have to be included in the document prior to the advertisement for the public hearing otherwise a second public hearing would be required.

MOTION DEFEATED.

MOVED BY Councillor Sloane, seconded by Councillor Barkhouse that Halifax Regional Council amend the motion to include a height limit reduction for the Clyde Street lots in Precinct 3 from 72' to 50'. MOTION DEFEATED.

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

MOVED BY Councillor Streach, seconded by Smith, that Halifax Regional Council:

- 1. Approve in principal the design, plan and by-laws of HRM by Design being brought forward for First Reading April 7, 2009 subject to the following amendments:**
- 2. Include the Halifax Herald and Midtown Site to accommodate the World Trade and Convention Centre and come back to Council with a proposal at First Reading.**
- 3. A report be provided on an additional policy to be included under 3.23 of the MPS that Council prioritize the Housing Affordability Functional Plan and negotiate with the Provincial Government to develop legislation to enable HRM to require a percentage of affordable housing in development proposals within HRM by Design.**
- 4. Instruct staff to prepare the appropriate revisions to the HRM by Design documents to enable Council to consider development agreement applications, submitted prior to March 31, 2009, under the existing policies of the Halifax Municipal Planning Strategy.**
- 5. The development agreement applications timeline be three years to start from date of execution of the development agreement and three years to complete the project.**
- 6. That Appendix B in the Downtown Halifax Secondary Municipal Planning Strategy be amended to include under the performance measures the topic of housing affordability with indicator and baseline measure information.**
- 7. Halifax Regional Council not initiate amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-Law requested by the Heritage Trust of Nova Scotia.**
- 8. Approve in principle the two heritage conservation districts, Barrington Street South Heritage Conservation District and Historic Properties/Granville Mall Area Heritage Conservation District, as part of HRM by Design**
- 9. Approve an amendment to Policy 89 so that it would now read as follows: "Notwithstanding the forgoing policies, where a proposed amendment addresses unforeseen circumstances, or is deemed by Council to confer significant economic or social, or cultural benefits to HRM beyond the bonus zoning provisions of this Plan, such amendments shall be considered by Council at any time regardless of the schedule for reviews."**

Mayor Kelly advised that the dates for the public hearing would be May 5, 6 and 7th.

MOTION PUT AND PASSED.

12.5 Newcomers Guide

MOVED BY Councillor Blumenthal, seconded by Councillor Smith that Halifax Regional Council request that staff ensure the HRM Newcomers Guide has up to date information in regard to ESL programs. MOTION PUT AND PASSED.

13. NOTICES OF MOTION

13.1 Councillor Streach

“Take notice that, at the next regular Regional Council meeting, to be held on Tuesday, the 7th day of April, 2009, I propose to move First Reading of By-Law L-127, the purpose of which is to enact a Local Improvement Charge to enable financing of the upgrade and subsequent take-over by Halifax Water of the Hillside Water Utility. “

13.2 Councillor Sloane

“Take notice that at the next regular Regional Council meeting, to be held on Tuesday, the 7th day of April 2009, I propose to move First Reading of By-Law L-129, the purpose of which is to enact a Local Improvement Charge to enable financing of an upgrade and subsequent take-over by Halifax Water of a sanitary sewer line located at 2046 to 2068 Brunswick Street, Halifax. “

13.3 Councillor Sloane

“Take notice that at the regular Regional Council meeting to be held on April 7, 2009, I propose to introduce, for introduction by Council as a Policy pursuant to Section 325 of the Halifax Regional Municipality Charter, Administrative Order SC-56. The purpose of which is to effect closure of a portion of Princess Place, Halifax, Nova Scotia. “

14. ADJOURNMENT

The meeting was adjourned at 9:40 p.m.

As corrected and amended by motion of
Regional Council May 4, 2010

Cathy J. Mellett
Acting Municipal Clerk

INFORMATION ITEMS

March 31, 2009

1. Memorandum from Director, Community Development dated March 9, 2009
re: HRM Newcomers Guide Update
2. Memorandum from Director, Community Development dated March 2, 2009
re: As Of Right Development In HRM
3. Memorandum from the Acting Municipal Clerk dated March 31, 2009
re: Requests for Presentation to Council - None