

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL
MINUTES

August 17, 2010

PRESENT:

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

STAFF:

Mr. Wayne Anstey, Acting Chief Administrative Officer
Ms. Roxanne MacLaurin, Municipal Solicitor
Ms. Cathy Mellett, Municipal Clerk
Ms. Melody Campbell, Legislative Assistant

TABLE OF CONTENTS

1.	INVOCATION	4
2.	SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS . . .	4
3.	APPROVAL OF MINUTES - August 3, 2010	5
4.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	6
5.	BUSINESS ARISING OUT OF THE MINUTES	6
6.	MOTIONS OF RECONSIDERATION - NONE	6
7.	MOTIONS OF RESCISSION - August 3, 2010	
7.1	Deputy Mayor Johns "To rescind the August 3, 2010 decision of Council regarding agenda item 8.1 Phase 1 Recommendation - District Boundary Review; regarding the size of Halifax Regional Council, with the objective of rescinding the decision of maintaining the status quo of 23 Councillors and one Mayor."	6
8.	CONSIDERATION OF DEFERRED BUSINESS - NONE	7
9.	PUBLIC HEARINGS - 6:00 P.M.	
9.1	By-Law N-200, Respecting Noise - Exemption Application - Kings Wharf Development	7 & 12
9.2	Case 01251 - Amendments to the Halifax Municipal Planning Strategy - Western Shore Bedford Basin	7 & 12
9.3	Case 15815 - Amendments to the Downtown Halifax Municipal Planning Strategy and the Barrington Street Heritage Conservation District Plan and By-Law H-500	7 & 14
10.	CORRESPONDENCE, PETITIONS & DELEGATIONS	
10.1	Correspondence - None	8
10.2	Petitions	8
10.3	Presentation	
10.3.1	Community Action on Homelessness re: Development of Affordable Housing	9
11.	REPORTS	
11.1	CHIEF ADMINISTRATIVE OFFICER	
11.1.1	Withdrawal from Information & Community Technologies	

	(ICT) Reserve Q321	9
	11.1.2 2010 Aid-to-Municipality Cost Sharing Paving Program	9
	11.1.3 New U-Pass Agreements Cost Increase - Impact on Students	10 & 18
11.2	MEMBERS OF COUNCIL	
	11.2.1 Councillor Mosher - Emergency Dingle Seawall Repair - Sir Sandford Fleming Park	11
12.	MOTIONS	
	12.1 Councillor Rankin "That Council approve a letter from the Mayor to the Province asking that the Public Highways Act be amended to enable the Minister of Transportation and Infrastructure Renewal to delegate the regulation of highway signs within HRM in certain circumstances."	11
13.	ADDED ITEMS	19
14.	NOTICES OF MOTION	20
15.	ADJOURNMENT	20

1. INVOCATION

The meeting was called to order at 3:38 p.m. by Mayor Kelly, with the Invocation being led by Councillor Karsten.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Sloane advised that on Sunday, August 29th the Cornwallis Baptist Street Church will be holding a fundraiser and barbecue from 10:00 a.m. to 2:00 p.m. at the George Dixon Field.

Councillor Adams advised that Sambro Southwest Days were held this past weekend which included a great variety of events. He expressed his appreciation to Leslie Harnish, Kenny Brown, Mitchell Hennebury, Frankie Lane and Les Finley. He added that Paddy Grey's team won the ball tournament.

Councillor Adams noted that on Saturday, August 28th a fundraiser auction and dance will be held at the Spryfield Rink from 6:00 p.m. to 1:00 a.m. for the family of Mr. Keith Withers. He advised that donations will be accepted at the Royal Bank in Spryfield or contacting Councillor Adams.

Councillor Blumenthal expressed his appreciation to the volunteers of the 7th Annual Lantern Festival. He expressed his appreciation to Ms. Claudette Levy for the work and dedication to making the festival a successful event. He thanked Councillor Watts, Councillor Sloane and Mayor Kelly for their attendance at the event.

Deputy Mayor Johns advised that Loverboy will be playing at Weir Rockin on Saturday, August 21st at the Weir Field in Springfield Lake.

Councillor Fisher noted that the 5th Annual Dartmouth East Barbecue will be held on Sunday, August 22nd at the East Dartmouth Community Centre. He advised that the 2010 Canadian Senior Baseball Championships will be held from August 26th to 30th at the Beazley and the Mainland Common fields.

Councillor Hendsbee stated that the Mineville Community Summer Fair will be held on Saturday, August 21st from 11:00 a.m. to 3:00 p.m. He noted that on Sunday, August 29th from 12:00 p.m. to 4:00 p.m. an open house will be held at the Hope for Wildlife Society in Seaforth.

Councillor Mosher advised that HS Studios is hosting 'Lets Hear it for the Girls - A Charity Celebration - The Breast Party of Summer' a breast cancer fundraiser on Saturday, August 21st from 8:00 p.m. to 12:00 a.m. at the Cunard Centre. She advised that on Sunday, August 22nd the Community Beach Barbecue will be held at Chocolate

Lake. She expressed her appreciation to the lifeguards and Colleen Murphy for their dedication and work which makes this event possible.

Councillor Rankin stated that the Prospect Village Lobster Supper will be held at the Our Lady of Mount Carmel Church Hall on Sunday, August 29th. The event will include local art and craft exhibits and a silent auction.

Councillor Barkhouse noted that the 19th Annual Eastern Passage Soccer by the Sea will be held on the Eastern Passage Common on Friday, August 20th and Saturday, August 21st.

Councillor Watts stated that HRM staff in conjunction with Dalhousie University will present information sessions on urban forests in HRM. She added that there will be a tour on August 17th at 7:00 p.m and that an urban forest open house will be held at the Rowe Building at Dalhousie on August 18th at 6:00.

Councillor Uteck advised that the next community consultation for the Halifax Central Library will be held on August 25th at 7:00 p.m. at Pier 21. She expressed her congratulations to Ms. Amber Wiley and Ms. Marilyn Soulis from Dalhousie University who won the competition for the Canada Winter Games.

Councillor Dalrymple advised that Zumba night will be held on August 18th at the Fall River Recreation Centre with proceeds going toward the rebuild of the Beaverbank Kinsac Centre and for the Canadian Breast Cancer Society. He advised that on Thursday, August 19th in Fall River, Keloose weekend begins with many events planned including fireworks.

Councillor Lund noted that on Sunday August 29th the Emmanuel Baptist Church will celebrate 165 years at 11:00 a.m. He added that on Saturday, August 28th from 2:00 p.m. - 6:00 p.m. a fun day will be held at the Upper Hammonds Plains Community Centre as part of the Emmanuel Baptist Church event. He noted that a Labour Day Picnic and concert on Sunday, September 5th will be held at St. Pauls Hall in Glen Haven.

Councillor Nicoll advised that the 3rd Annual Cole Harbour Harvest Festival will be held at Cole Harbour Place on Friday, September 10th and Saturday, September 11th. She expressed her appreciation to the society and the planning committee for their efforts in planning this event.

3. APPROVAL OF MINUTES - August 3, 2010

The following amendments to the August 3rd, 2010 minutes were noted:

Councillor Hendsbee advised that MLA's should read 18 not 17.

Councillor Watts advised that on Page 27, Councillor Walker's comments should note a year ago not a week ago.

MOVED by Councillor Nicoll, seconded by Councillor Sloane, that the minutes of August 3, 2010, as amended, be approved. MOTION PUT AND PASSED.

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

Additions:

13.1 Wind Energy

13.2 Biosolid Use and Policy Direction in HRM - Councillor Hum

MOVED by Councillor Sloane, seconded by Councillor Nicoll, 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 - August 3, 2010

7.1 Deputy Mayor Johns

This item was addressed at the August 3, 2010 Regional Council meeting and was now before Council as a motion of rescission.

Correspondence was received from Mr. Stewart Duffie.

MOVED by Deputy Mayor Johns, seconded by Councillor Adams, that Halifax Regional Council rescind the August 3, 2010 decision of Council regarding agenda item 8.1 Phase 1 Recommendation - District Boundary Review; regarding the size of Halifax Regional Council, with the objective of rescinding the decision of maintaining the status quo of 23 Councillors and one Mayor.

MOVED by Deputy Mayor Johns, seconded by Councillor Adams, that the question now be put.

A recorded vote was requested on the motion that the question now be put.

MOTION AND PASSED. (15 in favour, 6 against)

Those voting in favour were: Mayor Kelly, Deputy Mayor Johns, Councillors Adams, Blumenthal, Dalrymple, Fisher, Harvey, Hendsbee, Lund, Nicoll, Outhit, Rankin, Sloane, Smith, Uteck.

Those voting against were: Councillors Barkhouse, Hum, Karsten, Walker, Watts, Wile.

Councillors Mosher, Streach and McCluskey were absent for the vote.

MOTION PUT AND PASSED.

The main motion is now before Council.

A recorded vote was requested on the motion.

MOTION OF RESCISSION PUT AND DEFEATED. (11 in favour, 11 against)

Those voting in favour were: Deputy Mayor Johns, Councillors Adams, Dalrymple, Fisher, Harvey, Hendsbee, Lund, Nicoll, Outhit, Rankin, Uteck.

Those voting against were: Mayor Kelly, Councillors Barkhouse, Blumenthal, Hum, Karsten, Mosher, Sloane, Smith, Walker, Watts, Wile.

Councillors McCluskey and Streach were absent for the vote.

8. CONSIDERATION OF DEFERRED BUSINESS - NONE

9. PUBLIC HEARINGS - 6:00 P.M.

9.1 By-Law N-200, Respecting Noise - Exemption Application - Kings Wharf Development

This item was addressed during the evening session of Regional Council. See Page 11.

9.2 Case 01251 - Amendments to the Halifax Municipal Planning Strategy Western Shore Bedford Basin

This item was addressed during the evening session of Regional Council. See Page 12.

9.3 Case 15815 - Amendments to the Downtown Halifax Municipal Planning Strategy and the Barrington Street Heritage Conservation District Plan and By-Law H-500

This item was addressed during the evening session of Regional Council. See Page 14.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence - None

10.2 Petitions

10.2.1 Councillor Walker

A petition was submitted by Councillor Walker from the residents of Palisade Place, Halifax, requesting No Parking from 8 am to 4 pm - Monday to Friday; signage at the beginning of the street and extended to where the circle begins; and a "Caution Children Playing" sign. The petition was signed by ten (10) households on Palisade Place, Halifax.

10.2.2 Councillor Sloane

A petition was submitted by Councillor Sloane from workers and shoppers on Barrington Street requesting that Council not amend the Barrington Street Heritage Conservation District Revitalization Plan to allow consideration of the replacement of the Roy Building and Discovery Centre Building by 15 and 16 storey high rises. The petition was signed by 75 petitioners.

10.2.3 Councillor Sloane

A petition was submitted by Councillor Sloane on behalf of the Presidents of SMUSA, SUNSCAD, MSVUSU, DSU, and KSU seeking Council support for the proposed amendment to the city budget allowing the U-Pass program to remain at \$116.95 for the 2010/2011 academic year.

10.2.4 Councillor Streach

A petition was submitted by Councillor Streach signed by residents expressing grave concerns with many of the recommendations in the Forest Plan Report, part of Phase II of the Nova Scotia Natural Resources Strategy. It was noted that the forest industry is the backbone of the rural economy of Nova Scotia. Without a viable forest industry, the rural communities will fade off the map. The petition was signed by 155 residents.

Councillor Streach requested that a copy of the petition be sent to Premier Darrell Dexter and the leaders of the opposition parties.

10.3 Presentation

10.3.1 Community Action on Homelessness re: Development of Affordable Housing

Mr. John Hartling, Director of Community Initiatives and Ms. Claudia Jahn, Program Director, Community Action on Homeless provided a presentation regarding Development of Affordable Housing to Council.

MOVED by Councillor Sloane, seconded by Councillor Blumenthal, that Regional Council accept the Halifax Report Card on Homelessness and the presentation on Development of Affordable Housing that staff prepare a report to Council in response to the Halifax Report Card on Homelessness 2010 and presentation. MOTION PUT AND PASSED.

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Withdrawal from Information & Community Technologies (ICT) Reserve Q321

- A staff report dated July 27, 2010 was before Council.

MOVED by Deputy Mayor Johns, seconded by Councillor Sloane, that Regional Council:

- 1. Authorize the transfer fo \$76,165.27, from the Information and Communications Technologies (ICT) Reserve (Q321) as outlined in the Budget Implications section of the report dated July 27, 2010, to Operating Cost Centre N721-6201 (Integrated Emergency Services HRP) to fund the following two initiatives:**
 - a) \$24,498.86 (including net HST) to fund the replacement of 14 non-functioning portable radios for HRP**
 - b) \$51,666.41 (including net HST) to fund the replacement and upgrade of the digital voice recording system for the Integrated Emergency Services Communication Center.**

MOTION PUT AND PASSED.

11.1.2 2010 Aid-to-Municipality Cost Sharing Paving Program

- A staff report dated August 10, 2010 was before Council.

MOVED by Councillor Hendsbee, seconded by Councillor Rankin, that Regional Council:

- 1. Transfer funding in the amount of \$149,000 from Project No. CZU01082, Resurfacing to Project No. CZU01080, New Paving HRM Owned Streets.**
- 2. Approve a budget increase of \$149,000 to Project No CZU01080, New Paving HRM Owned Streets for the paving of Emerald Drive, a portion of David Allen Drive, Joan Elizabeth Way and a portion of Early Court, funded through Local Improvement Charges (LIC), as outlined in the budget implications of the report dated August 10, 2010.**

MOTION PUT AND PASSED.

Councillor McCluskey entered the meeting at 4:35 p.m.

11.1.3 New U-Pass Agreements Cost Increase - Impact on Students

- A staff report dated August 6, 2010 was before Council.

Correspondence was received from: Brian & Sharon Davis MSVU, Mr. Matt Anderson, Ms. Natasha Krzyzewski.

Councillor Sloane submitted a petition on behalf of the Presidents of SMUSA, SUNSCAD, MSVUSU, DSU, and KSU as noted in Petitions, Item 10.2.3.

MOVED by Councillor Uteck, seconded by Councillor Sloane, that Regional Council reaffirm its decision to increase U-Pass fees and directs staff to continue to work with the U-Pass Partners to execute agreements with flexible payment terms to allow each University time to manage their associated process for increasing student fees.

Councillor Uteck advised Council that each university has its own constitution and Memorandum of Understanding. She stated that universities were notified on April 12th of the U-Pass fee increase, which was after the universities had their fees set. She urged staff to work with the universities to reach a resolution to the issue.

Councillor Hendsbee suggested that staff include the CPI index as they work on a solution. He noted that in many cases HRM's fiscal year does not comply with other organizations. He suggested that staff negotiate with the universities regarding the use of a U-pass plus a token pass to cover the increase offset.

Councillor Hum advised Council that students from Mount St. Vincent University were planning to attend the evening session of Regional Council to hear the debate on the

issue. She stated that the U-Pass fee increase will impact faculty, university administrations and thousands of students.

MOVED by Councillor Sloane, seconded by Deputy Mayor Johns, that Item 11.1.3 New U-Pass Agreements Cost Increase be deferred to the August 17, 2010 evening session of Regional Council. MOTION PUT AND PASSED.

Item 11.1.3 continued on Page 18.

11.2 MEMBERS OF COUNCIL

11.2.1 Councillor Mosher - Emergency Dingle Seawall Repair - Sir Sandford Fleming Park

Correspondence was received from: Ms. Trish Rowat, Mr. Doug Chaytor

MOVED by Councillor Mosher, seconded by Councillor Adams that Halifax Regional Council direct staff to immediately carry out the necessary repairs at the North West Arm Seawall with funds previously approved (estimated at up to \$250,000); "Caution" signage be installed; and an emergency phone be installed.

Councillor Mosher advised Council that the condition of the Dingle Seawall is an immediate safety concern and it requires immediate attention to guard the safety of park users. She noted that this issue has been ongoing and repairs had been planned as far back as 2005.

MOTION PUT AND PASSED.

12. MOTIONS

12.1 Councillor Rankin

MOVED by Councillor Rankin, seconded by Councillor Sloane, that Regional Council approve a letter from the Mayor to the Province asking that the Public Highways Act be amended to enable the Minister of Transportation and Infrastructure Renewal to delegate the regulation of highway signs within HRM in certain circumstances. MOTION PUT AND PASSED.

Council recessed at 4:52 p.m.

Councillor Rankin retired from the meeting at 4:52 p.m.

Council reconvened at 6:00 p.m. with Councillor Streach in attendance.

9. PUBLIC HEARINGS - 6:00 P.M.

9.1 By-Law N-200, Respecting Noise - Exemption Application - Kings Wharf Development

- A staff report dated August 11, 2010 was before Council.

Mr. Bill Moore, Superintendent, Halifax Regional Police, presented the report to Council.

Mayor Kelly reviewed the procedures for public hearings then opened the public hearing calling for anyone wishing to speak to come forward at this time.

Mayor Kelly gave the third call for speakers, hearing none, it was **MOVED by Councillor Blumenthal, seconded by Councillor Karsten that the public hearing be closed. MOTION PUT AND PASSED.**

MOVED by Councillor McCluskey, seconded by Councillor Karsten, that Regional Council approve the Dexter Construction CN Crossing - Kings Wharf application for noise exemption, pursuant to the contents of the report dated August 11, 2010, and any matters raised at the hearing. MOTION PUT AND PASSED.

9.2 Case 01251 - Amendments to the Halifax Municipal Planning Strategy Western Shore Bedford Basin

- A Chebucto Community Council report dated May 11, 2010 was before Council.

Correspondence was received from: Mr. John Salah, Ms. Libby Kinghorne, Mr. Walter Regan, F.D. Medjuck, Mr. Nick Pryce, Mr. Joe Bassil.

Ms. Patricia Hughes, Planner, presented the report to Council.

The following points of clarification were provided to Council:

Councillor Karsten inquired if Halifax Water was involved in the studies of a Waste Water Treatment Plant. Mr. Rogers Wells, Supervisor, Regional & Community Planning, advised Council that Halifax Water has been involved in a preliminary capacity study. Mr. Wells noted that it was early in the process and more work is required.

Councillor Sloane suggested that when development agreements come forward for this property, that a provision be put in place that buildings be sound proof as they are very close to the train tracks.

In response to a comment by Councillor Hum, Mr. Wells confirmed that this case is for the LUB and MPS amendments only, there are no developments at this point.

He advised Council that these amendments are the result of the land use planning study of the Western Shore on the Bedford Basin, which was previously approved, in principle, by Council. He added that more detailed urban design studies will be presented to Community Council and Regional Council in the future.

Mayor Kelly reviewed the procedures for public hearings then opened the public hearing calling for anyone wishing to speak to come forward at this time.

Mr. Joe Bassil, Halifax, advised Council that his property is located in this area. He stated that he is excited to see a plan for pedestrians along the Bedford Highway and for a plan promoting active living. He added he agrees with access to trails and improved transportation infrastructure. He expressed his concern regarding possible interpretations of the study in regard to his parcel of land. He added that it is stated that this is a general analysis of the area. He stated that this generalization may lead some to assume that because his property is zoned R-1, it dictates no change in zoning or that a development agreement could be considered for the property. He added that a development on his property would not inhibit views of the Basin. He stated that a development agreement can lead to infrastructure improvements and land improvements which could benefit the whole area. He stated that as he was not included in the process, planning around his property has been overlooked and the suggestions for the MPS amendments are incomplete. He advised that he continues to work with the area Councillor, staff and residents for a development on his land that works. He urged Council to suggest that staff review his property in the same light and detail that were given to other properties identified in the study.

Ms. Libby Kinghorne, Birch Cove, advised Council that her concern is the infilling of the Bedford Basin for development. She advised that she has concerns that the zoning changes are being made before the plan is completely understood. She stated that she was only made aware of the plan this past March which, she was advised, was several years into the process. She stated that in reading some of the minutes from the public meeting that not all concerns have been expressed. She advised Council that there is tremendous community concern regarding development around the Bedford Basin and the Birch Cove project. She reiterated that she is concerned that HRM is acting prematurely before the plans are understood.

Mr. Frank Medjuck, Halifax, advised Council that this is a good concept adding that he looks forward to the day when he can cycle along the Bedford Basin. He expressed concern regarding landowner consultation. He added that many in the area do not know of the plans nor of the plan to rezone. He expressed concern that by rezoning these lands, the amendments will effectively expropriate the lands. He suggested that Council should be looking at increasing the tax base. He urged Council to defer a decision on the amendments until HRM staff meet with the property owners. He suggested that more property owners should be contacted regarding the matter and expressed concern that property owners did not receive notification of the proposed changes.

Ms. Hilda Stevens, resident, advised Council that she is in full support of the comments from Mr. Bassil.

Mayor Kelly gave the third call for speakers, hearing none, it was **MOVED by Councillor McCluskey, seconded by Councillor Sloane that the public hearing be closed. MOTION PUT AND PASSED.**

Councillor Hum noted that a number of submissions were received regarding Case 01251 and indicated that Council should take the time to read the information.

MOVED by Councillor Hum, seconded by Councillor Wile, that Regional Council defer a decision on Case 01251 pending a Staff Supplementary Report responding to the written correspondence received by Council and speakers' comments made during the Public Hearing.

In response to question by Councillor Wile, staff advised that they have met with some property owners in the area.

MOTION PUT AND PASSED.

9.3 Case 15815 - Amendments to the Downtown Halifax Municipal Planning Strategy and the Barrington Street Heritage Conservation District Plan and By-Law H-500

- A staff report dated June 8, 2010 was before Council.
- A Heritage Advisory Committee report dated June 24, 2010 was before Council.

Correspondence was received from: Aaron Bates, Ms. Katherine Kitching, Ms. Sonia Salisbury, Mr. Stephen E. Hart, Ms. Ruth Gamberg, Mr. David Murphy, Mr. F.D Medjuck, Ms. Judy Haiven, Ms. Donna McInnis, Ms. Brenda Cook, Ms. Peggy Cameron, Chris Sanderson, Mr. Matthew Halliday, Ms. Linda Scherzinger, Mr. David Simpson, Ms. Janet Shotwell, Jamie Thompon, Mr. Tom MacDonald, Ms. Elizabeth Spence, Ms. Jane Nicholson, Mr. Phil Pacey.

Councillor Sloane submitted a petition signed by workers and shoppers on Barrington Street as noted in Petitions, Item 10.2.2.

Mr. Luc Oulette, Senior Planner, presented the report to Council. Mayor Kelly reviewed the procedures for public hearings then opened the public hearing calling for anyone wishing to speak to come forward at this time.

Ms. Judy Haiven, Halifax, advised that she supported the Barrington Street Heritage Conservation District for over six years. She stated that the rules that are in place have

to be followed. She reminded Council that the Heritage Advisory Committee voted against the recommendation.

Mr. Alan Ruffman, Fergusons Cove, stated that HRMbyDesign was passed by Council June 2009 with this issue emerging three months later. He questioned why Council needs to amend the plans and questioned why this would be good for Barrington Street. He expressed concern that the developer will receive extensions and that the plans will be put on hold. He expressed concerns that when the Roy Building is demolished a large hole where left in its place. He advised Council that they are not obligated in the legal sense and urged Council not to pass the two amendments.

Ms. Rebecca Jamieson, Halifax, stated that it was only last year the Council approved HRMbyDesign and now HRM is on the way to changing the plan. She advised that these plans should have been made front and centre and she stated that these amendments violate the old and new rules. She stated that this project does not give clarity to HRMbyDesign. She added that the citizens of Halifax will pay the price and she raised concerns regarding heritage and tourism. She urged Council to show leadership and civic pride and to reject the proposed amendments.

Mr. Frank Medjuck, advised Council that these amendments are not about the proposed building. He advised Council that he regrets that the process has taken so long. He stated that he has met with staff and the building size has been reduced significantly.

Mr. Peter Delefes, Halifax, advised that he opposes amendments to the Heritage Revitalization Plan. He added there are proposal for two demolitions and development of large tower buildings in the Barrington Street Heritage Conservation District. He stated that development is taking away the heritage character of the area. He added that a fake facade on the Roy Building is a travesty and a tower on the Zellers building will make a mockery of the Barrington Street Heritage Conservation District. He stated the Roy Building and Zellers Building are both are historically and architecturally significant. He added that the Barrington Street Heritage Conservation District has plan guidelines noting that over the next few years, Barrington Street will be transformed. He urged Council to reject the amendments.

Ms. Beverley Miller, Halifax, stated that Council has approved HRMbyDesign and in October approved the Barrington Street Heritage Conservation District. She advised that the grants for the Barrington Street Heritage Conservation District is a huge investment and needs to be respected. She added that approval of these amendments will make Barrington Street darker. She stated that the projected timeline for the project is six years and she raised concerns that this approval will hollow out the downtown. She stated that she cannot imagine what will be left of Barrington Street after this process is over. She added that the Roy building and its diversity of tenants makes the downtown vibrant and she noted that many of its current tenants will not be able to afford the rent of new space being proposed. She added that if these amendments are approved, it will have a long term devastating effect on Barrington Street.

Mr. Philip Pacey, Halifax, advised Council that he has spent time on Barrington Street talking to individuals and looking at the spaces. He stated that the Barrington Street Heritage Conservation District is working and it will revitalize Barrington Street. He advised Council that most people do not want these amendments to happen and that they want to have the heritage buildings kept. He added that he submitted a petition advising of the same. He advised that 19e of the Heritage Act provides immediate protection. He stated that if owner has demolished a building on the property the work can proceed, but if the demolition order has only been applied for, the Municipality is not permitted to issue a permit, as this goes against the Heritage Act. He added that if these amendments are approved it will cause confusion regarding the Barrington Street Heritage Conservation District and will increase uncertainty with a reluctance to invest in neighbouring properties. He added that people want to keep the area's authenticity.

Ms. Elizabeth Pacey, Halifax, advised Council that she had served on the steering committee for the first revitalization plan for Barrington Street in 1978 and noted that at that time there was interest in Barrington Street being designated as a conservation area. She added that in other cities that have conservation districts it was noted that economics increased in those areas. She added that the Downtown Halifax Business Commission and the Barrington Street Heritage Conservation District are powerful tools for economic growth. She added that the steering committee that she was involved with had two public meetings and a poll indicating approval for a heritage conservation district. She stated that the plan was passed, in principle, in 2006, and has been amended through HRMbyDesign. She urged Council to let the Barrington Street Heritage Conservation District Plan come to fruition and urged Council to not approve the amendments to the plan.

Mayor Kelly gave the third call for speakers, hearing none, it was **MOVED by Councillor McCluskey, seconded by Councillor Sloane that the public hearing be closed. MOTION PUT AND PASSED.**

Council recessed at 7:25 p.m.
Council reconvened at 7:40 p.m.

Mr. Oulette advised Council that the presentation before Council this evening is the proper documentation, noting a copy will be sent to Council members.

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

- 1. The proposed amendment to the Downtown Halifax Secondary Municipal Planning Strategy as provided in Attachment "A" of the staff report dated June 8, 2010 and;**

2. The proposed amendments to the Barrington Street Heritage Conservation District Revitalization Plan and By-Law H-500 Heritage Conservation District (Barrington Street) as provided in Attachments “B” and “C” of the staff report dated June 8, 2010.

Councillor Streach advised Council that these properties are now before Council due to an administrative oversight, as these properties had been previously grandfathered by Council.

Councillor Watts stated that she does not support the motion adding that there has to be consistency when working under the Barrington Street Heritage Conservation District. She advised that the Heritage Advisory Committee did not support this report.

Councillor Uteck advised Council that amendments were approved over a year ago and that Council has to live up to its obligations. She added that Barrington Street needs an intensive program for revitalization.

Councillor Sloane advised that this is another opportunity to say no to this development. She questioned whether HRM needs to seek clarification in relation to the Nova Scotia Legislative Property Act. She added that Council has approved the Barrington Street Heritage Conservation District and HRM should stick to that plan. Ms. Roxanne MacLaurin, Municipal Solicitor, advised that the development plan and by-laws are within the Municipality’s power to put grandfathering provisions in to allow for the four properties to be considered under the existing policies. She noted that the only inconsistency that results under Section 19e5 was the result of an administrative error and if this error had not occurred there would have been no inconsistency with respect to that legislative provision. Mr. Dunphy, Director of Community Development, further clarified that discussions were taken with the Province of Nova Scotia on the proper course of action for this case.

A recorded vote was requested on the motion.

MOTION PUT AND PASSED. (17 in favour, 5 against)

Those voting in favour were: Mayor Kelly, Councillors Adams, Blumenthal, Dalrymple, Fisher, Harvey, Hendsbee, Hum, Karsten, McCluskey, Mosher, Outhit, Smith, Streach, Uteck, Walker, Wile.

Those voting against were: Councillors Barkhouse, Lund, Nicoll, Sloane, Watts.

Deputy Mayor Johns and Councillor Rankin were absent for the vote.

MOTION PUT AND PASSED.

11.1.3 New U-Pass Agreements Cost Increase - Impact on Students

This item is a continuation from the afternoon session of Regional Council. Council moved a motion of deferral to address the New U-Pass Agreements Cost Increase at the evening session.

The following motion is on the floor:

MOVED by Councillor Uteck, seconded by Councillor Sloane, that Regional Council reaffirm its decision to increase U-Pass fees and direct staff to continue to work with the U-Pass Partners to execute agreements with flexible payment terms to allow each University time to manage their associated process for increasing student fees.

Councillor Hum advised that the U-Pass fees impacts each university. She advised that all universities have to consider this matter either through a referendum or its Board of Governors. She stated that this increase may put students or universities at financial risk. Ms. Erin Flaim, Acting General Manager, Metro Transit, advised Council that universities will begin their academic year with U-Passes. She added that HRM will continue to negotiate with the universities regarding collecting increased fees.

In response to a suggestion by Councillor Hendsbee for staff to include the CPI index and consider a U-Pass plus a token pass, Ms. Flaim advised they would take all suggestions into consideration as they work towards a resolution.

Councillor Sloane advised that universities and NSCAD do need to have access to the U-Pass.

Councillor McCluskey expressed concern regarding the universities being advised so late of the U-Pass fee increase. Ms. Flaim, advised that the U-Pass university contracts with HRM expired in April and that the fee increase was dependant upon budget approval. Staff advised that they will continue to negotiate with the universities to reach a resolution.

Councillor Uteck advised Council that students contribute 330 million dollars to the economy.

MOTION PUT AND PASSED.

13. ADDED ITEMS

13.1 Wind Energy

- This item was addressed at an earlier session of the Committee of the Whole and is now before Council for ratification.

**MOVED by Councillor Smith, seconded by Councillor Sloane, that Halifax Regional Council direct staff to proceed to draft the Land Use By-law for consideration of the siting wind turbines in accordance with the direction outlined in the presentation including as-of-right development (within the designated zones as identified).
MOTION PUT AND PASSED.**

13.2 Biosolids Use and Policy Direction in HRM

MOVED by Councillor Hum, seconded by Councillor Sloane, that Regional Council request a staff report on Biosolid use and direction in HRM to include but not exclusive to the following:

- 1. What the trial on Dunbrack Street consisted of, how staff selected that project for a test, and concerns regarding lack of communication to the public and Regional Council;**
- 2. The potential and possible Municipal Uses of Class A Biosolids, including identifying what uses occur in other North American Municipalities;**
- 3. Alternative uses Halifax Water may have for consideration in the future, including both with existing Biosolids contract and future potential options beyond the use of Biosolids;**
- 4. Communication and consultation with Regional Council, the public and stakeholders on a move forward basis;**
- 5. The Clerk's Office schedule a Committee of the Whole agenda item for Regional Council's discussion on the outcomes of this report with the intent to clarify direction for the future;**
- 6. Enviro and testing processes and the concerns that have been brought forward;**
- 7. Use of biosolid product to burn as a biomass;**
- 8. Include as part of the presentation how biosolids are processed and tested;**
- 9. Risks associated on with the use of biosolids mixed with topsoil.**

MOTION PUT AND PASSED.

14. NOTICES OF MOTION

14.1 Councillor Nicoll

Take Notice that at the next regular meeting of the Halifax Regional Council to be held on September 14, 2010, I intend to introduce a motion to request a staff report on the benefits of switching the Youth Advisory Committee from a Committee of Council to a “group”, so the group is not subject to Administrative Order Number One, and can focus more on actions as was the recommendation of the youth currently serving on the Youth Advisory Committee.

15. ADJOURNMENT

The meeting adjourned at 8:36 p.m.

Cathy J. Mellett
Municipal Clerk

INFORMATION ITEMS
August 17, 2010

1. Proclamation - Continuing Care Month - September 2010
2. Proclamation - Dalhousie University's Shine Day - September 7, 2010
3. Proclamation - Shinerama Shine Day - September 11, 2010
4. Memorandum from Director, Community Development dated August 3, 2010
re: 2010 - 2011 Discretionary Funding for Business Improvement Districts
5. Memorandum from Director, Community Development dated July 14, 2010
re: North West Arm View Plane Study - Project Update and Work Plan
6. Memorandum from Director, Infrastructure & Asset Management dated July 20,
2010
re: Green Fleet Initiatives Update
7. Memorandum from Director, Legal Services & Risk Management dated August 3,
2010 re: Status of By-Law Prosecutions - April 1 - 30, 2010
8. Memorandum from Municipal Clerk dated August 6, 2010
re: Added Items - Regional Council
9. Memorandum from the Municipal Clerk dated August 13, 2010
re: Requests for Presentation to Council - Coalition to Save the View