

HALIFAX REGIONAL COUNCIL
MINUTES

September 27, 2011

PRESENT:

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

REGRETS:

Councillors: Barry Dalrymple
Robert Harvey

STAFF:

Mr. Richard Butts, Chief Administrative Officer
Mr. Randolph Kinghorn, Acting Municipal Solicitor
Ms. Sherryll Murphy, Acting Municipal Clerk
Ms. Cathy Mellett, Municipal Clerk
Ms. Sheilagh Edmonds, Legislative Assistant
Ms. Jennifer Weagle, Legislative Assistant

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1. INVOCATION

Deputy Mayor Smith called the meeting to order at 1:20 p.m. with the Invocation being led by Councillor Barkhouse.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillors noted a number of acknowledgements and community events.

At 1:22 p.m. Councillor Sloane entered the meeting.

At 1:24 p.m. Mayor Kelly entered the meeting and assumed the Chair.

3. APPROVAL OF MINUTES – None

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

Additions:

- 13.1 Councillor Nicoll – Addition of Information Item 2 from the September 20, 2011 Regional Council Agenda re: Petition – McLaughlin Road and Lake Loon – Heavy Equipment Traffic
- 13.2 Personnel Matter – Citizen Appointments to Boards and Committees – Heritage Advisory Committee

Councillor Streach entered the meeting at 1:34 p.m.

MOVED by Councillor McCluskey, seconded by Councillor Blumenthal 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. PUBLIC HEARINGS

9.1 Case 16376 – Municipal Planning Strategy and Land Use By-Law Amendments for the Area Bounded by Oakland Road, Bellevue Avenue, Inglis Street, and Beaufort Avenue

This item was dealt with later in the meeting. See page 12.

9.2 Case 01325 – Municipal Planning Strategy and Land Use By-Law Amendments and Development Agreement for the former St. Joseph's Church Site on Gottingen Street, Halifax (Joint Public Hearing with Peninsula Community Council)

This item was dealt with later in the meeting. See page 15.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence – NONE

10.2 Petitions

10.2.1 Councillor Watts

Councillor Watts submitted a petition containing 1137 signatures requesting that Halifax Regional Council remove the Bayers Road widening from its list of Planned Projects in the Road Network Functional Plan. She advised that she was submitting the petition for the record.

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Tender 11-056, 066 & 067 – Performance Based Snow Contracts

A staff report dated September 1, 2011 was before Council.

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

- 1. Award Tender No. 11-065, Sidewalk Snow and Ice Control East Region, to the lowest bidder meeting specifications for routes SWP5 and SWP6, Cutting Edge Construction Ltd., for a period of November 1 to April 15, inclusive each year of a 4 (four) year term, for years 2011 through 2015, for a Total Estimated Tender Price of \$1,267,870.35 (net HST included) and a fifth year option (at HRM's sole discretion) for a one year extension. Funding will be from Operating Account No. R780-6399, Sidewalk Snow and Ice Control, as outlined in the Budget Implications section of the September 1, 2011 report.**

2. **Award Tender No. 11-066, Sidewalk Snow and Ice Control West Region, to the lowest bidders meeting specifications noted, and at the prices provided below, for the period of November 1 to April 15 inclusive each year of a 4 (four) year term, for years 2011 through 2015, and a fifth year option (at HRM's sole discretion) for a one year extension. Funding will be from Operating Account No. R781-6399, Sidewalk Snow and Ice Control, as outlined in the Budget Implications section of the September 1, 2011 report:**
 - a) **Award route no. SWW10 to Cutting Edge Construction Ltd., for a Total Estimated Tender Price of \$789,035.51 (net HST included);**
 - b) **Award route nos. SWW9, SWW11, SWP2 and SWP3 to Provincial Pavement Markings Inc., for a Total Estimated Tender Price of \$2,107,322.84 (net HST included);**
 - c) **Award route no. SWP1 to Ocean Contractors Ltd., for a Total Estimated Tender Price of \$552,362.27 (net HST included).**

3. **Award Tender No. 11-067, Street & Roads Snow & Ice Control to the lowest bidders meeting specifications noted, and at the prices provided below, for the period of November 1 to April 15 inclusive each year of a 2 (two) year term, for years 2011-2013, with an option (at HRM's sole discretion) for 2 (two), one year extensions. Funding will be from Operating Account Nos. R771-6399 for East, R772-6399 for West and R773-6399 for Central, as outlined in the Budget Implications section of the September 1, 2011 report:**
 - a) **Award Central Region to Dexter Construction Ltd., for a Total Estimated price of \$2,689,101.90 (net HST included);**
 - b) **Award East Region to Ocean Contractors Ltd., for a Total Estimated Price of \$4,122,269.36 (net HST included);**
 - c) **Award West Region to Dexter Construction Ltd., for a Total Estimated Price of \$927,804.38 (net HST included).**

At 1:38 p.m. Councillor Mosher entered the meeting.

A discussion ensued with Mr. Ken Reashor, Director, Transportation and Public Works responding to questions.

At 1:42 p.m. Councillor Hendsbee entered the meeting.

During Council's discussion, the following points and concerns were noted:

- There is no change to the service standards; contractors have to meet the same service standards that Council previously approved.
- Sidewalk snow clearing equipment should be no wider than the width of the sidewalk, as the equipment which has been used in the past has torn up sod and resulted in a mess once spring comes.
- Concern was expressed about the impact on smaller companies if the Pilot Project were successful because it would be the larger companies like Dexter and Ocean that can afford to invest in the necessary equipment.
- Staff was asked to ensure that the contractors who get the tender are not allowed to subcontract the work.
- The necessity of proper maintenance of bus shelters and catch basins was highlighted.
- There will be no reduction in HRM staff, as a result of this tender.
- Moving toward a more performance based contract does not change the standards.
- It was noted that last year the snow clearing on pedestrian islands of the wider streets was not acceptable, and that it is particularly difficult for the visually impaired and physically challenged individuals.
- Concern was expressed that it is too late to deal with a contractor's poor performance if the evaluation of the contractor is done at the end of the season.
- Staff were asked to ensure that any new contractors have the appropriate training and orientation of each district and be informed of the particular challenges that are unique to the areas.
- There is no penalty clause in the contract, however the contractor is required to meet the set service standards. Staff has the ability to release contractors if they are not performing as required.

MOTION PUT AND PASSED.

11.1.2 2012 Municipal and School Board Elections

A staff report dated September 12, 2011 was before Council.

MOVED by Councillor Nicoll, seconded by Councillor Hendsbee that Halifax Regional Council:

- 1. Adopt Option 3, as outlined in Attachment A of the September 12, 2011 report, for the 2012 Municipal and School Board Election which is to utilize e-voting only for advanced polls from Saturday, two weeks before ordinary polling day, through to the Thursday prior to ordinary polling day and in-person polling locations only for Election Day; and**

2. Direct Elections Staff to proceed with the planning and implementation for the 2012 Municipal Election based on the direction of Regional Council.

Ms. Cathy Mellett, Municipal Clerk, responded to questions.

MOTION PUT AND PASSED.

At 2:57 p.m. Council recessed.

At 3:10 p.m. Council reconvened.

11.1.3 Five Year Review of the Environment Act

A staff report dated September 16, 2011 was before Council.

MOVED by Councillor Lund, seconded by Councillor Nicoll, that Halifax Regional Council forward the September 16, 2011 report to the Department of Environment to act as the Halifax Regional Municipality's (HRM) comments for the 2011 Environment Act Review.

A discussion ensued with Mr. Phil Townsend, Director, Infrastructure and Asset Management and Mr. Richard MacLellan, Manager, Sustainable Environment Management Office responding to questions.

During Council's discussion, staff was asked to include the following points in the comments HRM was putting forward in its report to the Department of Environment:

- Include 'sediment' and 'silt' under the definition of a 'substance'
- Include a comment on 'excess packaging'
- Silt should be reported as a 'spill'
- Consider including a comment on Topsoil Standards if it fits in with the comments going forward

Staff were asked to provide regular updates to the Environment and Sustainable Standing Committee concerning their discussions with the Province on Service Delivery Gaps.

MOTION PUT AND PASSED.

11.1.4 Tender 11-169 – Long Track Oval – Tender Package #2 (to be circulated)

A staff report dated July 20, 2011 was circulated.

MOVED by Councillor Sloane, seconded by Councillor Blumenthal that Halifax Regional Council award Tender No. 11-169 – Long Track Oval, to the lowest bidder meeting specification, Dexter Construction Ltd., for a Total Tender Price of \$2,785,791.92 (net HST included), with funding from Project No. CBX01344 –

Outdoor Arena Legacy Project, Project No. CPX01190 – Parks Upgrades (Bundle), and Project No. CPX01329 – Parks Upgrades, as outlined in the Budget Implications section of the July 20, 2011 staff report.

Mr. Phil Townsend, Director, Infrastructure and Asset Management responded to questions.

In response to a question with regard to the impact that the change in scope will have on the project, Mr. Townsend emphasized that staff were very aware of the importance of the quality of the ice surface and that the change in scope will have no negative impact in this regard. He advised that items being removed were features such as certain lighting which had been added into the project during the development of the design specifications. Mr. Townsend added that the largest feature that has been removed has been the capability to capture excess heat from the chillers. He explained that staff are recommending using a boiler with solar hot water to heat the concrete pad and this will save \$250,000. Mr. Townsend noted that, in fact, upon further investigation it was determined that this was a better alternative because it will mean that the chillers won't have to run constantly.

MOTION PUT AND PASSED.

11.2 ENVIRONMENT AND SUSTAINABILITY STANDING COMMITTEE

11.2.1 Blue Flag Beach Candidacy

A report from the Environment & Sustainability Standing Committee dated September 9, 2011 was before Council.

MOVED by Councillor Hum, seconded by Councillor Sloane, that Halifax Regional Council declare the Halifax Regional Municipality as a Blue Flag candidate community and is committed to meeting the outstanding criteria at Birch Cove Beach.

Mr. Richard MacLellan, Manager, Sustainable Environment Management Office responded to questions.

MOTION PUT AND PASSED.

11.2.2 Corporate Greenhouse Gas Emissions Reduction Plan – 2012 Update

A report from the Environment & Sustainability Standing Committee dated September 9, 2011 was before Council.

MOVED by Councillor Hum, seconded by Councillor Fisher, that Halifax Regional Council approve a corporate greenhouse gas emission reduction target of 30% of

2008 levels by 2020, in accordance with the plan attached to the staff report dated August 15, 2011. MOTION PUT AND PASSED.

11.3 HERITAGE ADVISORY COMMITTEE

11.3.1 Heritage Incentives – Barrington Street Heritage Conservation District 2011-12

A report from the Heritage Advisory Committee was before Council.

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

- 1. Approve a grant of no more than \$64,766 and a tax credit of no more than \$102,110 for façade restoration, roof replacement, and interior common space improvements on the former Carsand Mosher building located at 1559 Barrington Street as described in the July 14, 2011 staff report and subject to recommendation 4;**
- 2. Approve a grant of no more than \$36,105 for façade restoration on the former Brander-Morris building located at 1566 Barrington Street as described in the July 14, 2011 staff report and subject to recommendation 4;**
- 3. Approve a grant of no more than \$18,879 for penthouse masonry repair and façade restoration on the former G. M. Smith building located at 1717 Barrington Street as described in the July 14, 2011 staff report and subject to recommendation 4;**
- 4. Approve the grants and tax credit referenced in this report (recommendations 1-3 above) conditional upon, and payment to the respective applicants shall not be made until, the respective application has:
 - a) completed the work set out in the respective applications to the satisfaction of the municipality;**
 - b) provided receipts and paid invoices to support the total amount approved, and**
 - c) executed and registered at the Registry of Deeds/Land Registration Office an agreement that they will not apply to demolish, nor will they demolish, the respective property for 20 years from the date of the agreement.****
- 5. Approve the transfer of any unused grant funds (at fiscal year-end) from the 2011-12 Barrington Street Heritage Conservation District Incentives Program budget of \$200,000 (account C310-8004 Planning & Application-**

Grants) to the Cultural Development Reserve (account Q312) for expenditure in fiscal 2012-13, once the approved projects are completed.

MOTION PUT AND PASSED.

12. MOTIONS - None

13. ADDED ITEMS

13.1 Councillor Nicoll – Addition of Information Item 2 from the September 20, 2011 Regional Council Agenda re: Petition – McLaughlin Road and Lake Loon – Heavy Equipment Traffic

An information report dated September 7, 2011 was circulated.

Councillor Nicoll advised that she brought this issue forward because there are two lots on Lake Loon Road, comprising 75 acres that are receiving fill. She added that she would like to know if there is any regulation that could be put in place until it is determined what the property owner intends to do with the land. Councillor Nicoll added that she is contacted daily by residents who are upset with the constant truck traffic and dust.

Mr. Ken Reashor, Director of Transportation and Public Works, advised that he has attended public meetings on this matter and that staff have engaged various other business units to look at what issues could be considered. However, a permit with conditions has been issued for the use of these lots for receiving fill, and as long as they contain their activities within the boundaries of that specific designated site, they can continue the operation. He noted that staff has requested rock rumple strips to knock some of the material off, so it doesn't fall on the road. Mr. Reashor advised that as long as they comply with the conditions, there is nothing further that can be done. He pointed out that staff have checked all applicable bylaws, and there is nothing else staff can do to restrict the trucks.

Councillor Hensbee advised that he had two similar operations in his district and that they were adjacent to watershed areas. He suggested that perhaps the Municipality develop a proactive strategy and solicit other sites in which to deposit this fill.

Councillor Nicoll thanked staff for the work on this issue, and asked that a follow-up letter containing the information presented in the information report be sent to the residents that have been impacted by the heavy truck traffic in their community.

13.2 Personnel Matter – Citizen Appointments to Boards and Committees – Heritage Advisory Committee

This matter was dealt with at an In Camera session held earlier on this date and was now before Council for ratification.

MOVED by Councillor Fisher, seconded by Councillor McCluskey that Mr. Thomas Dawson be appointed to the Heritage Advisory Committee for a term to expire November 2012. MOTION PUT AND PASSED.

14. NOTICES OF MOTION

14.1 Councillor Hendsbee

Councillor Hendsbee gave notice that at the next meeting of Halifax Regional Council to be held October 4, 2011 he intends to introduce the following motions:

Concerning Project 00953: Wind Energy Facilities in HRM, that Halifax Regional Council:

1. Rescind the 5th resolution as adopted on August 16, 2011

“That the amendments provide for the siting of wind turbines in the urban reserve and the urban settlement areas, especially where a power line corridor runs through those lands.”
2. That Regional Council authorize staff to prepare a staff report on the Planning process to amend the RMPS and relevant LUBs to permit the siting of wind turbine on lands designated urban Reserve that contain a power corridor in HRM.

The meeting recessed at 4:16 p.m.

The meeting reconvened at 6:00 p.m. with Councillors Streach, Dalrymple, Harvey and Rankin absent.

9. PUBLIC HEARINGS

9.1 Case 16376 – Municipal Planning Strategy and Land Use By-Law Amendments for the Area Bounded by Oakland Road, Bellevue Avenue, Inglis Street, and Beaufort Avenue

The following information was before Council:

- Correspondence dated September 19, 2011 from Dr. Patricia Livingston, Dr. David Hirsch, Karine Renton, Jodi Asbell-Clarke, Jo Ann Grindley, Bruce Grindley and David Clarke
- Correspondence dated September 20, 2011 from Ian Beuprie
- Correspondence dated September 22, 2011 from Francoise Longhurst, Alan Longhurst and Brian Guns
- Correspondence dated September 25, 2011 from Fay & Bob Lee, Sheila & Kevin Gordon, Robert Nichols and Rosemary Nichols

- Correspondence dated September 26, 2011 from Mary-Jane O'Halloran
- Correspondence dated September 27, 2011 from Dr. Estelle Joubert, Sara Iverson and Dr. William MacInnis
- Copy of the staff presentation
- Extract of the approved August 2, 2011 approved Regional Council minutes
- Report from Peninsula Community Council dated July 12, 2011

Mr. Luc Ouellet, Senior Planner, delivered a presentation to Council respecting amendments to the Halifax Municipal Planning Strategy (MPS) and the Halifax Peninsula Land Use By-law (LUB) to limit development and subdivision abilities in the area bounded by Oakland Road, Bellevue Avenue, Inglis Street and Beaufort Avenue in Halifax.

Mr. Ouellet responded to questions of clarification from members of Council at this time.

Mayor Kelly reviewed the public hearing procedures and opened the public hearing, calling for any speakers for or against the matter to come forward at this time.

Mr. David Clarke, 6208 Regina Terrace, Halifax, spoke in favour of the amendments dealing with lot area, minimum lot frontage and front yard set back requirements, noting that part of the charm of the neighbourhood are the unusually large lots, trees and openness, and these amendments will help preserve these aspects of the neighbourhood for future generations. He does not support the amendment to the height requirement as the current height limits were meant to encourage pitched roofs, and the reduction would mean that two of the most elegant homes in the neighbourhood would not comply. Mr. Clarke commented that there must be a better way for staff to deal with the height issue, and encouraged Council and staff to rethink this amendment.

Ms. Fay Lee, 6164 Regina Terrace, Halifax, spoke in favour of the amendments, indicating that there have been letters, petitions and other submissions on the subject of these amendments over the past year or so. She noted that the amendments would help stabilize the neighbourhood, where residents enjoy gardening on their large front yards. Ms. Lee added that residents of this neighbourhood choose to live there despite the noise and traffic from the universities and hospitals, and that the unchanged nature of the neighbourhood makes it a very desirable area.

Mr. Paul Doerwald, 6200 Regina Terrace, Halifax, spoke in favour of the amendments dealing with lot area, minimum lot frontage and front yard set back requirements and against the amendment dealing with height requirements.

Ms. Jodie Asbell-Clarke, 6208 Regina Terrace, Halifax, commented that the proposed amendments regarding lot frontage and set back requirements will ensure future development will be in keeping with the flavour of the neighbourhood. She noted that these amendments have the support of both long time and recent residents to the neighbourhood, which is one of the few unique character neighbourhoods left in town.

Ms. Asbell-Clarke echoed previous concern about the proposed amendment on height requirements.

Mr. Ian Beauprie, 6192 Regina Terrace, Halifax, spoke in favour of the proposed amendments. He commented that development is inevitable, and there are many benefits to increasing density on the peninsula, but if increased density is applied universally, it will result in a very dense, treeless, asphalt peninsula.

Ms. Mary Brooks, 6142 Oakland Road, Halifax, advised that she and her husband currently live at Oakland Road, however they purchased a lot at 6125 Regina Terrace with plans of building a one level home when they are older and can no longer manage the stairs. They have a house planned for the lot that they would no longer be able to build if the proposed front yard set back requirements are approved. She feels that smaller lot owners should not be made to suffer because of larger lot owners, and she is aware of five other properties that would be adversely affected by the proposed amendments.

Mayor Kelly gave the third and final call for speakers; there being no further speakers, it was **MOVED by Councillor Sloane, seconded by Councillor McCluskey, that the public hearing be closed. MOTION PUT AND PASSED.**

MOVED by Councillor Uteck, seconded by Councillor Sloane, that Regional Council approve the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-Law as provided in Attachments "A" and "B" of the June 8, 2011 staff report.

Councillor Uteck commented that she supports staff's calculations in the report, and clarified that the intent of the proposed amendments is to prevent tall, skinny houses that do not fit in with this neighbourhood, some examples of which have already been built.

At the request of Councillor McCluskey, Council agreed to vote on the amendments separately.

At the request of members of Council, Mr. Ouellet and Ms. Mellett clarified the motion before Council, outlining the four proposed amendments, as follows:

MOVED by Councillor Uteck, seconded by Councillor Sloane, that Regional Council approve the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-Law as provided in Attachments "A" and "B" of the June 8, 2011 staff report, as follows:

- **Increase the minimum lot area from 4000 to 5000 square feet.**
- **Increase the minimum lot frontage from 40 ft to 50 feet.**
- **Increase minimum lot frontage on the outside curve of a cul-de-sac from 25 to 30 feet.**

- **Change the height calculation method from the start of the roof to the top point of the roof.**

At the request of Councillor Johns, Mr. Ouellet clarified that the current height is measured from the base of the building to the base of the roofline. The amendment would change the measurement to the peak of the roof.

At the request of Councillor Mosher, Mr. Randy Kinghorne, Acting Municipal Solicitor, advised that he did not foresee any legal implications associated with the proposed amendments.

Mr. Ouellet clarified that the intent of the proposed height restriction was to keep any future development within the character of the neighbourhood. He added that the height restriction of 35 feet from the peak of the roof is a typical measurement in most neighbourhoods in Halifax. Mr. Ouellet further clarified that if Council chose not to adopt this amendment, the height restriction would revert to the current measurement, which is to the start of the roof line. He also clarified that if Council wished to propose a different height restriction, it would require another staff report and public hearing.

At this time, a vote was taken on each of the amendments separately, as follows:

Increase the minimum lot area requirement, as set out in Attachments “A” and “B” of the July 12, 2011 staff report. MOTION PUT AND PASSED.

Increase the minimum lot frontage requirement, as set out in Attachments “A” and “B” of the July 12, 2011 staff report. MOTION PUT AND PASSED.

Alter the front yard set back requirement by street, as set out in Attachments “A” and “B” of the July 12, 2011 staff report. MOTION PUT AND PASSED.

Alter and reduce the height requirements set out in sections 2 & 3 of Attachment “A” and section 11 of Attachment “B” of the July 12, 2011 staff report. MOTION PUT AND PASSED.

9.2 Case 01325 – Municipal Planning Strategy and Land Use By-Law Amendments and Development Agreement for the former St. Joseph’s Church Site on Gottingen Street, Halifax (Joint Public Hearing with Peninsula Community Council)

The following information was before Council:

- Correspondence dated September 21, 2011 from Connie Vaughan
- Correspondence dated September 23, 2011 from Blair Beed and Daniel Rainham
- Correspondence dated September 24, 2011 from Robert & Lorna McKillip

- Correspondence dated September 25, 2011 from Catherine Ross, Andrea Murphy, and Robert & Lorna McKillip
- Correspondence dated September 26, 2011 from Lois & Rob Randall, Donna Gabriel, Martha Paynter, Alex & Heather McCleave, Gilles Deveau, Kimberly Dossett, Gary Lines, Melanie O'Leary and Bruce Mosher
- Correspondence dated September 27, 2011 from Don Clark, Selena Landon, Beth Lewis, Bridget Quigley and the St. Joseph's Alexander McKay Playground Committee
- Copy of the staff presentation
- Extract of the approved August 2, 2011 Regional Council minutes
- Report from Peninsula Community Council dated July 12, 2011

Mr. Luc Ouellet, Senior Planner, delivered a presentation to Council respecting the proposed amendments to the Halifax Municipal Planning Strategy (MPS) and the Halifax Peninsula Land Use By-law (LUB) to permit, via the development agreement process, a 9-storey mixed use residential and commercial building on the east side of Gottingen Street between Kaye and Russell Streets in Halifax, the site of the former St. Joseph's Church. He clarified that this is a joint public hearing between Regional Council and the Peninsula Community Council for LUB and MPS amendments. Approval of the Development Agreement would go back to Peninsula Community Council for approval, pending approval of the LUB and MPS amendments.

Mr. Ouellet responded to questions of clarification from members of Council.

Mr. Rob LeBlanc, Ekistics Planning & Design, representing the developer ECL Developments, reviewed the proposal, including the following:

- A brief review of the "call for proposals" process that took place for the site in 2007.
- There has been a rigorous public consultation process, with door to door canvassing, public information meetings, meetings with the two schools, St. Mark's Church Council, the Hydrostone Place Condo Assoc., parish meetings, a questionnaire was developed and a website.
- The design has evolved over the years through the community consultation process.
- Review of renderings of the proposal.
- The design incorporates recycled stone from St. Joseph's Church, and the Halifax explosion stained glass windows.
- Review of the site plan.
- The traffic study indicates that site generated trips are not expected to have a significant impact on any of the surrounding streets.
- The parking garage has been under serious investigation throughout the process, concluding with Russell Street for the entrance.
- The construction schedule is anticipated to take 18 months, with no further excavation to the site required.

- A perimeter fence will be installed and an on-site safety officer will be hired.

At the request of Councillor Barkhouse, Mr. LeBlanc clarified that the on-site safety officer will work to coordinate information during the stages of construction with the schools.

Responding to a question from Councillor Watts regarding the inclusion of an affordable housing component, Mr. LeBlanc indicated that it has been discussed, but at this point there is no commitment either way.

Mayor Kelly reviewed the public hearing procedures and opened the public hearing, calling for any speakers for or against the matter to come forward at this time.

Ms. Bridget Quigley, 3280 Agricola Street, Halifax, advised that she is here to speak on behalf of St. Joseph's Alexander McKay School, which is directly abutting the site of the proposal. There are 261 children plus staff and teachers at this school. The school wishes to be given consideration in the project, and requests that the "PGC", the Student Advisory Council and the Home and School Association be a part of on-going consultation. There is a small slice of land (65 feet wide) called the 'upper playground' for the school, between the school and the development site. The school is concerned with the appearance of the rear (east) elevation and the interface with the school. The school has been working on plans for the playground, making it an inter-generational community park. The school has been receiving support for the park from Councillor Blumenthal and the HRM Planning office, who are assigning a Planner to the park in the fall. The developer will need to address that the 200 residents of this development will also be using the park, and the school is looking for assistance in this regard. The park is slated for completion in September 2012. ECL has met with school representatives, which is appreciated, and they hope that communication will continue. They ask that careful attention be paid to the treatment of the shared property line and the east wall of the proposed building. School representatives are concerned about construction noise and traffic, dust, dirt and student safety.

Mr. Peter Lavell, Bel Ayr Terrace, Halifax, spoke in opposition to this proposal. He noted concern that the discussion has been around "how" the development will be done, as opposed to "if" it will be done. It is Council's duty to consider a proposal from all points of view and Council has a right to reject a proposal when all things are considered. He believes that nothing should be built on the site except for a park. The construction timeline was originally supposed to take five years, but tonight it was stated as 18 months. Five years is the length of time that many students will spend at St. Joseph's Alexander McKay School, thereby having a construction site next door for their entire time at the school. This is a very successful school with a mixed background of students, and many school initiatives for the community. The students shouldn't be subject to this construction site. He feels that this may put the school at risk for a possible school closure.

Mr. Mike Cuvelier, Chair of the St. Joseph's Alexander McKay School Advisory Council, advised that St. Joseph's Alexander McKay School ("SJAM") is a vibrant corner stone of the community. SJAM prides itself on providing a safe, accepting, inclusive environment for students. School representatives would welcome any development that would be keeping within these values and the values of the broader north end community. The Student Advisory Council have serious concerns with the short term and long term impact on the quality of life and learning experiences of the students. School representatives have met with the developer and have been assured as to their continued consultation. Additional concerns include Student safety, noise management, dust, construction traffic and disruption to daily routines. There are also safety concerns with the underground parking lot. The abutting property line with the school will be facing the podium which contains the parking garage and possibly services for the building, such as heating and ventilation grates. The Student Advisory Committee ask that if this development moves forward, that a formal memorandum of understanding be completed between the school, the developer, and HRM to ensure that this development be carried out in the best interests of the current and future children of the school and the community.

At the request of Councillor Watts, Mr. Cuvelier clarified that there are aesthetic concerns with the podium wall of the development, which will be abutting the upper school yard.

Mr. Craig Berryman, 6332 Edinburgh Street, Halifax, advised that he formerly lived in the area of the proposed development and was a parishioner of St. Joseph's Church for 10 years. He was asked to attend this evening to express the support of St. Joseph's Parish for this development. The Parish was a part of the proposal from the very beginning, meeting with the developers, and working with the community to provide information and in getting feedback for the developer. In general, the Parish supports this development.

Mr. Frank Lowe, 5410 Young Street, Halifax, indicated that this property was never intended for mixed use residential/commercial, because of the proximity of the two schools. He recommends that Council not approve the proposed land use change. Should Council choose to allow mixed use residential/commercial, a height restriction of no more than six stories should be permitted to fit in with the area. He asked that Council consider an amendment that work not commence before 8:00 am. and not continue past 6:00 p.m., and that no work take place on the weekends. He noted that the developer initially indicated that construction would take five years to complete and asked Council to take steps to provide residents with relief from the distress that construction of this development would bring.

Mr. Ashley Morton, 5357 Duffus Street, Halifax, indicated that he is expecting his first child in three months, who will be attending St. Joseph's Alexander McKay School. He and his wife moved to Halifax from Europe six months ago because he got a job at the Ship Yard. The potential federal ship building contract would have an enormous impact on how this neighbourhood develops. It will be better environmentally to have

residential neighbourhoods in the north end, reducing commuter traffic by allowing people to bike, walk and take transit to work. The contract could greatly increase the residential needs of the north end, creating a housing crisis. If no one does anything to increase the housing capacity issue this will create traffic backlogs on the peninsula. He is strongly in favour of this development, and is looking forward to the opportunity to send his child to St. Joseph's Alexander McKay School, and looking forward to living in a young, vibrant north end.

Mr. John Murphy, 5382 Russell Street, Halifax, advised that his family has lived in the area since the late 1800's, and three generations of his family were members of St. Joseph's Church. He sat on the property transition committee for the church at the time of the closure. He noted that at the time, members of the committee had discussed that future development of the site should not exceed the peak of the roof of the church by more than one or two stories, which would allow for a development of fifty to sixty units, at five or six storeys. In the immediate vicinity, there were three as-of-right developments which could have gone up to eight storeys, but stayed at five, seven and seven storeys, and fit in with the area. His main concern with the proposal is the height of nine storeys. There are approximately 94 parking spaces on the surrounding streets, 80% of which are occupied by 7:30 a.m., mostly by Ship Yard and Stadacona staff. He sees a number of flaws with the traffic study for the proposal. This development will cause a lot of traffic and parking problems in an area with an already high flow of traffic. He does not see a great need for mixed-use development in the area, as there are already a number of services, restaurants, cafes and stores in the area. He would rather only residential uses in the development.

Council recessed at 8:10 pm., reconvening at 8:21 p.m.

Ms. Selina Landon, 5330 Russell Street, Halifax, noted concern with the lack of streetscape protection or outline for development for the north end. In lieu of this protection, she would like HRM by Design principles to be applied to the north end until it gets its own design plan. She is concerned that the building fit in with the area, that there is consideration with the neighbourhood and the school, and that it is usable space. She is concerned with the east side of the building bordering on the school yard; that it will be a large concrete wall. She would like to know where the garbage dumpsters and the green bins for the building will be, in particular that they not be kept on the school side of the building.

Mr. Patrick Murphy, Halifax, advised that he is a former Student Advisory Committee member of St. Joseph's Alexander McKay School, past parishioner of St. Joseph's Church, and former HRM Councillor. He reminded everyone that this development abuts an R1 zone. The church property dates back to 1867, and the church was rebuilt after the Halifax explosion, therefore there is a lot of emotion attached to this site. The stained glass windows that were mentioned by the developer depict several area residents in them as young children. He would like the windows incorporated into public art in the park across the street. Inside a private building they won't be enjoyed by the public. The traffic on Kaye and Russell Streets have 3 crossing guards as this is a very

busy traffic area with both bridges in the district. There is a private school, a public school and a day care in the area of the development, along with breakfast, lunch and after school programs offered by the Ward 5 Community Centre. In view of all of these children, he asks that the developer consider another entrance other than Russell Street for the parking garage. He hopes that the developer will have a very good plan for communication and cooperation with the community during construction. He noted the need for streetscape legislation when it comes to architecture in the north end.

Mr. Michael Murphy, 6022 North Street, Halifax, previously of Russell Street, indicated that he doesn't like the idea of a new modern building in an old established neighbourhood. He would rather see lower density family residences, as it is historically a family neighbourhood. He feels that residents in the proposed building would be transient, and growing families would move out of the building. He has problems with the idea of density, and would rather see higher quality development in the north end, as opposed to more people. He questioned whether the developer already had commitments from commercial tenants for the building. He suggested that if density is good for the peninsula, then density is good for the suburbs, and suggested that high rise buildings should also be built in the suburbs. He encouraged Council to say no to this development.

Ms. Carol Abbott, 5435 Kaye Street, Halifax, lives across the street from the proposed development which she hopes does not get approved. She noted that the Hydrostone was voted the second best neighbourhood in Canada, and thinks that using the site for greenspace would be best for the neighbourhood. She had two children attend St. Joseph's Alexander McKay School, and believes this development will have a negative impact on the neighbourhood. She encouraged Council to cap density for this area at 125 people per acre. She encouraged the height of the proposal to be kept at a minimum, noting the low height of the hydrostone buildings. She questioned whether the green space for the development would be at the same level as the school's playground, and has concerns with what the east side of the development next to the playground will look like. She noted that there are three entrances to the school, and safety is an issue.

Mr. Sam Austin, 31 Tulip Street, Dartmouth, noted that this development does have a lot of what we want in the city. He noted a need to offer alternatives to living in the fringes and driving downtown. This development is on a bus route, and is oriented toward townhouses at street level as a setback for the taller portion of the building. He indicated that people can get hung up on height too often. Commenting on the blank concrete wall at the east side of the building facing the school, he encouraged the developer to use innovation to create a mural on this wall with the school or to install a living wall, but asked Councillors not to accept the concrete wall.

Mr. Michael April, Vice President, ECL Properties, thanked everyone for their comments. He believes that this proposal takes into account the best from the community collaboration to create a positive design and an exemplary piece of architecture. He noted that the proposal is a condominium project, and as such the

nature of the residents are not as transient as those in apartments. The townhouse configuration provides assurance of a positive pedestrian street level experience for the neighbourhood. The townhouses are designed as three bedroom plus homes, meant to add to the family residential stock for the north end. He clarified that the miscommunication regarding the construction timeline came from a slide at a public information meeting which indicated five years from start to finish, starting at the award of the RFP for the church site, through the demolition and planning processes, to the occupation of the building. He clarified that 18 months is the maximum timeline needed for construction. Their primary focus during the construction process, in addition to collaboration with the neighbours, is providing a safe environment for residents and students. They recognize the need for the children's interests in the playground, and have provided financial donations and contributions to the playground and the Ward 5 Community Centre. The design for the concrete pad is to be a living green wall, but failing that they would be open to a mural with the school or other public art. Garbage will be taken care of within the confines of the garage structure, as is the case with most large residential buildings. Safety of the access to the garage is pivotal. With respect to traffic, and they hope and expect that many residents of the building will be leaving their cars at home since they will live on the peninsula. He suggested that residents of large residential complexes don't all come and go from the building at the same time. Children living in the building attending St. Joseph's Alexander McKay School won't be traveling to the school by car. The two storey units at the upper level will be a mix of two and three bedroom residential units, with very few one bedroom units, and no bachelors.

Councillor Sloane requested that the developer and staff work to include details of the living wall on the eastern side of the building into the development agreement. Mr. Ouellet clarified that s.3.66 of the development agreement includes the provision that the wall must be tempered by the installation of vegetation, to which Mr. April concurred.

Mayor Kelly gave the third and final call for speakers; there being no further speakers, it was **MOVED by Councillor Karsten, seconded by Councillor Wile, that the public hearing be closed. MOTION PUT AND PASSED.**

MOVED by Councillor Blumenthal, seconded by Councillor Karsten, that Regional Council approve the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-Law as provided in Attachment "A" and "B" of the June 15, 2011 staff report.

Councillor Sloane commented that this development could be an opportunity for the community to move forward in a positive direction after the closure of the church, which served as a public space in the community for so long.

At the request of Councillor Watts, staff clarified the following:

- Staff have no mechanism to incorporate a memorandum of understanding between the developer and the school as a part of a development agreement, but they can discuss this with them both.

- This is the type of building encouraged with HRM by Design, in terms of low rise interface with the street level, stepping to a high rise, with mixed use ground level on heavily used corridors, as well as providing density.
- It is unclear the number of businesses that will occupy the commercial space on the ground floor, but it looks like space for one or two businesses.
- The height of the eastern podium wall appears to be from about 10 or 12 feet on one end to much less on the other end because of the grade of the property.

Councillor Watts noted that the condos need to be affordable for families.

Councillor Fisher noted appreciation for the collaboration between the school and the developer to date. He questioned why Gottingen couldn't be used for the entrance/exit to the parking garage, and encouraged traffic staff and the developer to look for alternatives.

Councillor Hum encouraged continued constant dialogue with the community, school and the developer, especially during the construction phase for the safety of all involved. She suggested solutions such as posting security guards for crossing streets and traffic direction, delaying construction equipment to and from the site until after the students are in school and/or after they have gone for the day. She suggested that the development is a good design and will be a desirable area for people to move.

At the request of Councillor Uteck, Mr. Randy Kinghorn, Acting Municipal Solicitor, clarified that approving an MPS amendment does not guarantee the approval of the development agreement.

Councillor Mosher pointed out an example of a previous development where staff had negotiated a blasting agreement between a developer and a school, so that no blasting would take place during school hours, or when students were coming and going from school. She noted that mitigation practices were also used for dust control and the least disruptive trucking routes were determined for construction equipment. Councillor Mosher assured residents that HRM takes development near schools very seriously.

Deputy Mayor Smith commented that there is a need to encourage residents in core areas of HRM. He noted disappointment with the footprint of the building, which doesn't allow for much green space at street level, although he is pleased with the plans for the living wall facing the school yard.

Councillor Sloane requested that staff look into the possibility for public art with the stained glass windows and some iron work previously mentioned before the development agreement is brought to Community Council.

Councillor Blumenthal noted that contrary to previous comments, he would like to clarify that he walks through District 11 every day. The Hydrostone was voted the second best neighbourhood in Canada, partly due to the parks and green space that are already in the district, and he does not believe that they need another park. Councillor Blumenthal

clarified that the height of the building on the corner of Kaye and Isleville Streets is eight storeys in total, including parking. He noted that area traffic is busy now, and this development should not have much of an effect on traffic, although noise during construction will be an issue.

MOTION PUT AND PASSED.

15. ADJOURNMENT

The meeting was adjourned at 9:20 p.m.

Cathy J. Mellett
Municipal Clerk

INFORMATION ITEMS

1. Memorandum for Director, Finance dated September 16, 2011 re: First Quarter 2011/2012 Financial Report
2. Memorandum from the Municipal Clerk September 16, 2011 re: Requests for Presentation to Council
 - (i) Heritage Trust of Nova Scotia
 - (ii) Friends of Schmitville
3. Memorandum from Chair, Environment & Sustainability Standing Committee dated September 8, 2011 re: Solar City Update – Funding/Financing and Solicitation Development