



**HALIFAX REGIONAL COUNCIL
MINUTES
August 2, 2016**

PRESENT: Mayor Mike Savage
Deputy Mayor Matt Whitman
Councillors: Barry Dalrymple
David Hendsbee
Bill Karsten
Lorelei Nicoll
Gloria McCluskey
Tony Mancini
Waye Mason
Jennifer Watts
Linda Mosher
Russell Walker
Stephen Adams
Reg Rankin
Brad Johns
Steve Craig
Tim Outhit

STAFF: Mr. John Traves, Acting Chief Administrative Officer
Mr. Martin Ward, Acting Municipal Solicitor
Ms. Sherryl Murphy, Acting Municipal Clerk
Ms. Phoebe Rai, Legislative Assistant
Ms. Krista Vining, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

A video recording of this meeting is available:

http://www.halifax.ca/site/exit.php?url=http://archive.isiglobal.ca/vod/halifax/archive_2016-08-02.mp4.html

The agenda, supporting documents, and information items circulated to Council are available online:

<http://www.halifax.ca/council/agendasc/160802rc-agenda.php>

The meeting was called to order at 1:00 p.m., and recessed at 3:20 p.m. Council reconvened in at 3:42 p.m. and recessed at 5:10 p.m. Council reconvened in at 6:00 p.m., recessed at 8:01 p.m., and reconvened at 8:09 p.m. Council moved into an In Camera (In Private) session at 9:14 p.m. and reconvened and adjourned at 10:12 p.m.

1. CALL TO ORDER

The Mayor called the meeting to order at 1:00 p.m. and Council stood for a moment of reflection.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillors noted a number of special community announcements and acknowledgements.

Mayor Savage introduced incoming Chief Administrative Officer Mr. Jacques Dubé and acknowledged the work of Mr. John Traves, Acting Chief Administrative Officer.

3. APPROVAL OF MINUTES – NONE

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

Additions: 17.1 Councillor Mason – 825 Young Avenue

Council agreed to requests to consider items 14.1.9, 14.1.11, and 14.2.1 immediately following item 13.1.

MOVED by Councillor Nicoll, seconded by Councillor Mason

THAT the agenda be approved as amended.

Two-third majority vote required.

MOTION PUT AND PASSED.

5. BUSINESS ARISING OUT OF THE MINUTES – NONE

6. CALL FOR DECLARATION OF CONFLICT OF INTERESTS

Mr. John Traves, Acting Chief Administrative Officer indicated a conflict with respect to agenda item 11.1.

7. MOTIONS OF RECONSIDERATION – NONE

8. MOTIONS OF RESCISSION – NONE

9. CONSIDERATION OF DEFERRED BUSINESS – NONE

10. NOTICES OF TABLED MATTERS – NONE

11. PUBLIC HEARINGS – 6:00 P.M.

11.1 Case 18120 – Municipal Planning Strategy and Land Use By-Law Amendments for 348 Purcell's Cove Road, Halifax – Supplementary Report

This matter was dealt with later in the meeting. See pages 12-15 for details.

12. CORRESPONDENCE, PETITIONS & DELEGATIONS

12.1 Correspondence

The Clerk noted that correspondence was received for items: 11.1, 14.1.8, 15.2, and 16.1.1. This correspondence was circulated to Council.

12.2 Petitions

12.2.1 Councillor Watts

Petition submitted containing over 600 signatures requesting Halifax Regional Council to make the Africville Museum accessible with public transit and sidewalks.

12.2.2 Councillor Watts

Petition submitted containing 91 signatures requesting Regional Council to reconsider the Fort Needham Park Master Plan so that the existing tennis courts are either maintained or improved to include a modern multi-court sports area.

MOVED by Councillor Watts, seconded by Councillor Mason

THAT Halifax Regional Council direct staff to prepare reports responding to the petitions presented to Regional Council on August 2, 2016.

Two-third majority vote required.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Johns

13. INFORMATION ITEMS BROUGHT FORWARD

13.1 Councillor McCluskey – Application of the Halifax Logo and Brand on all Community Signs, Landmarks and Flagpoles in the Halifax Regional Municipality

The following was before Council:

- A staff information report dated June 6, 2016

A brief discussion was held, no action required.

Councillor Johns joined the meeting at 1:20 p.m.

14. REPORTS

14.1 CHIEF ADMINISTRATIVE OFFICER

Council proceeded to consider item 14.1.9 at this time, followed by items 14.1.11 and 14.2.1 as determined during the approval of the order of business.

14.1.9 Tennis Canada Proposal

The following was before Council:

- A staff recommendation report dated July 26, 2016

MOVED by Councillor Mosher, seconded by Councillor McCluskey

THAT Halifax Regional Council:

- 1. Approve provision of a grant to Tennis Canada for one-third funding towards the development of the Nova Scotia Regional Tennis Development Centre in the**

amount of up to \$2.5 million, paid over three years and conditional on the same level of funding being provided by the Province of Nova Scotia and facilitated by Tennis Canada;

2. Direct staff to include funding in the amount of \$840,000 in 2017/18, \$840,000 in 2018/19 and \$820,000 in 2019/20 to the proposed respective Operating Budgets through HRM's annual budget approval process; and
3. Authorize staff to negotiate, enter into and execute a contribution and service agreement on behalf of the Municipality with Tennis Canada that includes the terms and conditions outlined in Table 2 and in the opinion of the Acting Chief Administrative Officer, or his delegate, achieves the outcomes of the Municipality identified in the staff report dated July 26, 2016.

Council entered into a brief discussion, highlighting the importance of providing affordable, accessible programming in the Regional Centre.

Ms. Denise Schofield, Manager of Program Support Services noted that the contribution agreement would outline a reporting mechanism to ensure the municipality has oversight regarding how funds are allocated.

MOTION PUT AND PASSED UNANIMOUSLY.

14.1.11 Policy for Acceptance and Adoption of Old, Abandoned, or Orphan Cemeteries

The following was before Council:

- A staff recommendation report dated July 19, 2016

MOVED by Councillor Hendsbee, seconded by Deputy Mayor Whitman

THAT Halifax Regional Council direct staff to draft an Administrative Order defining the process for considering old, abandoned or orphan cemeteries as outlined the staff report dated July 19, 2016 and that staff be directed to return to Council with the draft Administrative Order for Council's consideration.

In the ensuing discussion it was requested that the staff consider how to define and delineate old, abandoned and orphan ceremonies

MOTION PUT AND PASSED UNANIMOUSLY.

14.2.1 Proposed Administrative Order 2016-005-ADM – Procurement Policy

The following was before Council:

- A recommendation report from the Chair of the Audit and Finance Standing Committee dated July 26, 2016, with attached staff report dated July 13, 2016

MOVED by Councillor Mosher, seconded by Councillor McCluskey

THAT Halifax Regional Council refer the staff report dated July 13, 2016 for consideration by Committee of the Whole, and schedule a date for the Committee of the Whole for a future meeting.

MOTION PUT AND PASSED UNANIMOUSLY.

14.1.1 Award – Unit Price Tender No.16-256, Resurfacing, New Sidewalk, New Curb & Gutter and New Asphalt at Greenway Connection - St. Margaret's Bay Road (Beech Tree Run to Lakelands Boulevard) – West Region

The following was before Council:

- A staff recommendation report dated July 14, 2016

MOVED by Councillor Rankin, seconded by Councillor Walker

THAT Halifax Regional Council award Tender No. 16-256, Resurfacing, New Sidewalk, New Curb & Gutter and New Asphalt at Greenway Connection - St. Margaret's Bay Road (Beech Tree Run to Lakelands Boulevard) – West Region, to the lowest bidder meeting specifications, Dexter Construction Company Limited for a Total Tender Price of \$838,564 (net HST included) with funding from Project Account Nos. CR000005 – Street Recapitalization and CTU00420 – Active Transportation – Strategic Projects, as outlined in the Financial Implications section of the staff report dated July 14, 2016.

MOTION PUT AND PASSED UNANIMOUSLY.

14.1.2 Planning & Development Fee Review Phase One Report

The following was before Council:

- A staff recommendation report dated July 19, 2016
- A presentation from Jim Bruzzese dated August 2, 2016

MOVED by Councillor Watts, seconded by Councillor Nicoll

THAT Halifax Regional Council direct staff to undertake the second phase of the Fee Review based on the Guiding Principles (Appendix A of the staff report dated July 19, 2016) as the next phase in the fee review process and develop a Fee Policy for Council's consideration.

Councillor Mosher left the meeting at 2:35 p.m.

Council agreed to receive a presentation from Mr. Jim Bruzzese, President of BMA Management Consulting Inc., who is retained by the municipality to provide expert assistance with the Planning and Development Fee Review. Mr. Bruzzese outlined the progress made to streamline process and create efficiencies within the Planning and Development Business Unit. He highlighted that in his view, user fees need to be reassessed and rationalized, as they have not been reviewed in several years. Mr. Bruzzese provided information regarding leading practices and guiding principles, and he concluded by outlining the next steps in the process.

Responding to questions of clarification, Mr. Bob Bjerke, Chief Planner and Director of Planning and Development advised that staff will work with industry groups to ensure proper lead time and phase-in of a new fee structure.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Mosher and Johns.

Council agreed to a request from Councillor Hendsbee to consider item 14.1.8 next on the agenda.

14.1.8 Nova Scotia Nature Trust 100 Wild Islands

The following was before Council:

- A staff recommendation report dated July 18, 2016

- Correspondence from Wendy and Bob McDonald dated August 1, 2016

MOVED by Councillor Hendsbee, seconded by Councillor Karsten

THAT Halifax Regional Council direct staff to:

1. Include \$150,000 funding in each of the 2017/2018 and 2018/19 proposed operating budgets for a total grant of \$300,000 to the Nova Scotia Nature Trust's 100 Wild Islands Campaign;
2. Execute a grant agreement on behalf of the Municipality with the Nova Scotia Nature Trust, which in the opinion of the Acting Chief Administrative Officer or their delegate, achieves the outcomes of the Municipality identified in Table 1 of the staff report dated July 18, 2016; and
3. Jointly promote and raise awareness of the 100 Wild Islands in partnership with the Nova Scotia Nature Trust when opportunities arise.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Mosher and Johns.

Regional Council recessed at 3:20 p.m. and reconvened at 3:42 p.m.

14.1.3 Herring Cove Treatment Plant Community Integration Fund and Land Disposal Preparation Update

The following was before Council:

- A staff recommendation report dated July 9, 2016

MOVED by Councillor Adams, seconded by Councillor McCluskey

THAT Halifax Regional Council:

1. Approve discontinuation of the proposed Hospital Park Trail and Latter Pond Park projects due to an inability to proceed as approved and use the balance of \$347,165 located in Project Account CPX01328 – New Park and Playgrounds on another project, or projects, located in the Herring Cove community to be determined; and
2. Repeal the Policy for Expenditures from Community Integration Funds (2004) included as Attachment 1 of the staff report dated July 9, 2016.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Mosher and Johns.

14.1.4 Legislative Requests Update

The following was before Council:

- A staff recommendation report dated June 22, 2016

MOVED by Councillor Mason, seconded by Councillor Nicoll

THAT Halifax Regional Council:

1. Continue to advocate for the full suite of commercial tax changes Council originally requested in 2013 and 2015.
2. Approve retaining the recommended seven legislative amendment requests outlined in the staff report dated June 22, 2016;
3. Approve removing the three legislative requests outlined in the staff report dated June 22, 2016;

4. **Approve adding the one new request described in the staff report dated June 22, 2016 in relation to tax relief for non-profit organizations; and**
5. **Direct the Mayor to forward the revised list of legislative requests to the Minister of Municipal Affairs.**

Council entered into a brief discussion with some Councillors suggesting that commercial tax rates should be based solely on the value of the building, rather than the size of the company. Other Councillors expressed their view that the motion seeks the ability to consider a variety of commercial tax tools including a possible three-year rolling assessment for future Council debate.

Responding to a question regarding the potential impact of the motion on the Halifax Regional Water Commission, Mr. John Traves, Acting Chief Administrative Officer advised that the proposed changes have already been discussed by the Halifax Water Board.

Council agreed to a request to vote on each part of the motion separately.

THAT Halifax Regional Council:

1. **Continue to advocate for the full suite of commercial tax changes Council originally requested in 2013 and 2015.**

MOTION PUT AND PASSED. (12 in favour, 3 against)

Councillor McCluskey declared that she had intended to vote against the motion and Council agreed to record her vote as such.

In favour: Mayor Savage, Deputy Mayor Whitman, Councillors: Dalrymple, Hendsbee, Karsten, Nicoll, Mancini, Mason, Watts, Walker, Craig and Outhit

Against: Councillors: McCluskey, Adams and Rankin

Not present: Councillors Mosher and Johns

2. **Approve retaining the recommended seven legislative amendment requests outlined in the staff report dated June 22, 2016;**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Mosher and Johns

3. **Approve removing the three legislative requests outlined in the staff report dated June 22, 2016;**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Mosher and Johns

4. **Approve adding the one new request described in the staff report dated June 22, 2016 in relation to tax relief for non-profit organizations; and**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Mosher and Johns

5. **Direct the Mayor to forward the revised list of legislative requests to the Minister of Municipal Affairs.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Mosher and Johns

14.1.5 Graves Oakley – Permanent Rugby Facility

The following was before Council:

- A staff recommendation report dated July 15, 2016

MOVED by Councillor Adams, seconded by Deputy Mayor Whitman

THAT Halifax Regional Council direct staff to develop a multi-year capital plan for Graves Oakley that increases one sport field to regulation rugby size and adds amenities for all sport uses.

It was noted that the motion is not intended to prioritize Graves Oakley above other projects, but rather to direct staff to prepare the project for inclusion in the next proposed capital budget. Further, staff do not recommend establishing a site exclusively for rugby use, but rather that it be usable for a variety of sports.

MOVED by Councillor Adams, seconded by Councillor Walker

THAT the motion be amended to include direction to consult with Rugby Nova Scotia to discuss potential partnerships.

MOTION TO AMEND PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Mosher

The question was called on the amended motion as follows:

THAT Halifax Regional Council direct staff to develop a multi-year capital plan for Graves Oakley that increases one sport field to regulation rugby size and adds amenities for all sport uses, and to consult with Rugby Nova Scotia to discuss potential partnerships.

AMENDED MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Mosher

14.1.6 Beach and Park at Gordon R. Snow Community Centre

The following was before Council:

- A staff recommendation report dated July 22, 2016

MOVED by Councillor Dalrymple, seconded by Councillor Johns

THAT Halifax Regional Council authorize staff to develop a capital project that establishes a floating dock water access on Lake Thomas at Gordon R. Snow Community Centre in Fall River for future capital budget consideration.

MOVED by Councillor Dalrymple, seconded by Councillor Johns

THAT the motion be amended to direct staff to investigate the opportunity for swimming access at this location.

MOTION TO AMEND PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Mosher

The question was called on the motion as amended:

THAT Halifax Regional Council authorize staff to develop a capital project that establishes a floating dock water access on Lake Thomas at Gordon R. Snow Community Centre in Fall River for future capital budget consideration, and further that staff continue to investigate the opportunity for swimming access at this location.

AMENDED MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Mosher

14.1.7 Request for Permanent Encroachment – Barrington Street

The following was before Council:

- A staff recommendation report dated June 30, 2016

MOVED by Councillor Watts, seconded by Councillor Mason

THAT Halifax Regional Council approve the attached Encroachment Agreement (Attachment A of the staff report dated June 30, 2016), subject to non-substantive amendments, if any, allowing the installation of the rock bolts, footings of the permanent traffic barrier, and the temporary traffic barrier at the proposed location within the right of way.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Mosher

14.1.8 Nova Scotia Nature Trust 100 Wild Islands

This matter was dealt with earlier in the meeting. See pages 5-6 for details.

14.1.9 Tennis Canada Proposal

This matter was dealt with earlier in the meeting. See pages 3-4 for details.

14.1.10 Request for Proposal No. 15-150 – Dartmouth 4-Pad Arena Design-Build; Tenant Space

The following was before Council:

- A staff recommendation report dated July 26, 2016

MOVED by Councillor Mancini, seconded by Councillor Mason

THAT Halifax Regional Council:

- 1. Authorize an increase of \$55,000 to the current Tenant 1 Allowance of \$270,000 to a total of \$325,000.00 (HST fully refundable), included under the executed Design-Build Contract with EllisDon. Funding is available within Project Account No. CB000049 – Dartmouth Multi-Pad, as outlined in the Financial Implications section of the staff report dated July 26, 2016, and subject to the facility operator confirming that a lease can be established with Tenant 1;**
- 2. Approve the naming of the HRM sports campus located on Commodore Drive, as the “Harbour East Recreation Campus”, as per Administrative Order No. 46, HRM Asset Naming Policies;**

- 3. Direct staff and the facility operator to continue to explore potential naming rights for the building, as per Administrative Order 56, HRM Sale of Naming Rights Policy.**

Councillor Mancini requested that the motion be voted on separately. He requested that Council not support part 2, as he intends to move an alternate name for the campus.

Responding to a question of clarification, Ms. Denise Schofield, Manager of Program Support Services indicated that the name would be the administrative name for the site only, as Council has directed staff to pursue naming rights for the building.

The question was called and Council proceeded to vote on each item separately as requested.

THAT Halifax Regional Council:

- 1. Authorize an increase of \$55,000 to the current Tenant 1 Allowance of \$270,000 to a total of \$325,000.00 (HST fully refundable), included under the executed Design-Build Contract with EllisDon. Funding is available within Project Account No. CB000049 – Dartmouth Multi-Pad, as outlined in the Financial Implications section of the staff report dated July 26, 2016, and subject to the facility operator confirming that a lease can be established with Tenant 1;**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Mosher

- 2. Approve the naming of the HRM sports campus located on Commodore Drive, as the “Harbour East Recreation Campus”, as per Administrative Order No. 46, HRM Asset Naming Policies;**

MOTION PUT AND DEFEATED. (6 in favour, 10 against)

In favour: Councillors: Hendsbee, Karsten, Walker, Rankin, Johns and Outhit

Against: Mayor Savage, Deputy Mayor Whitman, Councillors: Dalrymple, Nicoll, McCluskey, Mancini, Mason, Watts, Adams and Craig

Not present: Councillor Mosher

- 3. Direct staff and the facility operator to continue to explore potential naming rights for the building, as per Administrative Order 56, HRM Sale of Naming Rights Policy.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Mosher

MOVED by Councillor Mancini, seconded by Deputy Mayor Whitman

THAT Halifax Regional Council approve the naming of the HRM sports campus located on Commodore Drive, as the “Dartmouth Harbour East Recreation Campus”, as per Administrative Order No. 46, HRM Asset Naming Policies;

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Mosher

14.1.11 Policy for Acceptance and Adoption of Old, Abandoned, or Orphan Cemeteries

This matter was dealt with earlier in the meeting. See page 4 for details.

14.2 AUDIT AND FINANCE STANDING COMMITTEE

14.2.1 Proposed Administrative Order 2016-005-ADM – Procurement Policy

This matter was dealt with earlier in the meeting. See page 4 for details.

14.3 TRANSPORTATION STANDING COMMITTEE

14.3.1 Reporting Structure of the Accessibility Advisory Committee

The following was before Council:

- A recommendation report from the Chair of the Transportation Standing Committee dated July 22, 2016, with attached report dated July 11, 2016

MOVED by Councillor Outhit, seconded by Councillor McCluskey

THAT Halifax Regional Council request a staff report and recommendation on changes to the reporting structure of the Accessibility Advisory Committee as discussed at the Accessibility Advisory Committee meeting on May 16, 2016 and that this report be referred to the Transportation Standing Committee for review and comment prior to receipt by Regional Council.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Mosher

14.3.2 Request for a Staff Report – Roll Call on all Halifax Regional Municipality Committee Agendas

The following was before Council:

- A recommendation report from the Chair of the Transportation Standing Committee dated July 22, 2016, with attached report dated July 11, 2016

MOVED by Councillor Outhit, seconded by Councillor Mason

THAT Halifax Regional Council request a Staff Report regarding the inclusion of Roll Call on all Halifax Regional Municipality Advisory and Standing Committee Agendas.

Council entered into a brief discussion, noting that the Accessibility Advisory Committee has already implemented a roll call on their agendas, and the motion before Council is to direct all Halifax Regional Municipality Advisory and Standing Committees to implement a roll call.

Mr. John Traves, Acting Chief Administrative Officer advised that such direction would require an amendment to *Administrative Order One – The Procedure of the Council Administrative Order*. He advised that if the motion is approved, the resulting staff report will contain draft amendments for Council's consideration.

Deputy Mayor Whitman requested that the motion be amended to add *Regional Council and Community Council* agendas. The amendment was accepted as friendly.

The question was called on the motion as amended:

That Halifax Regional Council request a Staff Report regarding the inclusion of Roll Call on all Halifax Regional Municipality Advisory Committee, Standing Committee, Community Council, Regional Council and Committee of the Whole Agendas.

AMENDED MOTION PUT AND PASSED. (15 in favour, 1 against)

In favour: Mayor Savage, Deputy Mayor Whitman, Councillors: Hendsbee, Karsten, Nicoll, McCluskey, Mancini, Mason, Watts, Walker, Adams, Rankin, Johns, Craig and Outhit

Against: Councillor Dalrymple

Not present: Councillor Mosher

Council recessed at 5:10 p.m.

Council reconvened at 6:00 p.m. and commenced with the public hearing.

11.1 Case 18120 – Municipal Planning Strategy and Land Use By-Law Amendments for 348 Purcell's Cove Road, Halifax – Supplementary Report

The following was before Council:

- A staff supplementary recommendation report dated May 20, 2016
- A staff supplementary information report dated February 1, 2016
- A staff recommendation report dated June 29, 2015
- Extract of Regional Council minutes dated June 14, 2016
- Correspondence from Kevin Hurd, George Archibald, Donna Harding, Errol Gaum, Rex A. Seaward, and Stephen Lockyear

Mr. Paul Sampson, Planner II delivered a presentation on the application of Sunrose Land Use Consulting on behalf of Paulette Jensen to amend the Halifax Municipal Planning Strategy and Halifax Mainland Land Use By-law to permit existing buildings and land uses (single unit dwelling, office of a professional person and accessory buildings) at 348 Purcell's Cove Road, Halifax.

In response to questions raised, Mr. Sampson provided the following clarification:

- Buildings are not permitted in the Water Access zone but are permitted in the Holding zone with setback requirements from the shoreline
- The amendments are site specific to the property in question, any future proposals would have to go before Council through the same process
- The property owners have a license (3 year renewable license) from the Halifax Port Authority for the portion of the dwelling over the high water mark and in the Water Access zone to remain in place; the license was first granted in 2012 and renewed in 2015
- If the amendments are approved, staff would return to Council at a later date to request a discharge of the Development Agreement
- The buildings have been in the property for approximately 30 years (since 1982); the compliance case started around 2008; the Water Access zoning has been in effect since approximately 2011
- The original 1982 Development Agreement specified that the dwelling had to be on the roadside and was not permitted on the waterside

Mayor Savage invited the applicant to come forward and address Council.

Ms. Jennifer Jsang, Sunrose Land Use Consulting spoke about working with HRM planning staff to look at options to bring this property into compliance. She understood that HRM planning staff would not be supporting the application as it would send a message that violating the Land Use By-law (LUB) was acceptable. Ms. Jsang pointed out three main issues: the LUB violations, developing land without permits and the perceived legal implications if the application is approved. She explained that many of the

violations are technicalities as the property is legally two (2) lots and the difficulties of fitting a 34 year old Development Agreement into the present LUB. In 1982 approval was received from the Department of Health for the well and septic after test holes were dug and a site inspection was completed. Approval was also received from the Department of Transportation for the boat house and dock to be extended into the water. Ms. Jsang explained that these approvals support that the Jensens did not intentionally disregard the need to get approvals. She partially disagreed with staff's response to grandfathering, indicating that that in some cases it is done for properties or land uses that are in existence and long standing but do not meet the current rules and may not have received the appropriate permits. These properties become listed in the LUB and get a permit after this has been done, which she suggested could happen for this property. Ms. Jsang further spoke on the current checks and balances in place for development agreements and how she was confident that the risk of other people choosing to build without permits and then seeking a Municipal Planning Strategy (MPS) amendment would not happen. As a municipal planner, she has seen many instances where a municipality has amended planning documents to accommodate a development. She explained that site specific policy is written so that it cannot be applied to other properties and that there are examples in HRM where violations have been found and the Municipality and landowner enter into a development agreement process and then the permit is issued. Ms. Jsang indicated that she has not seen this impede the effectiveness of a LUB or enforcement programs. Ms. Jsang spoke to the four (4) year prosecution process and the Jensens being fined for the violations. She expressed that the MPS process is lengthy, risky, expensive and stressful, and serves as an effective deterrent.

Ms. Jsang went on to note that the appropriate permits were granted for the sewage disposal system and that the Jensens had provided HRM with the maintenance records for the last 34 years. She noted that the home has been engineered certified and deemed structurally sound. The property has been in Paulette Jensen's name since the early 1990's and Ms. Jensen cannot sell or get financing for the property due to its current status. Ms. Jsang explained that the buildings were constructed appropriately for site and are situated lower in grade than the neighbours and cannot be seen from the adjacent properties. She highlighted that it is impractical and not feasible to move the home or the larger accessory building and they would have to be demolished; which would cost approximately \$100,000 and could cause significant disruption to the neighbourhood and environment. Ms. Jsang understood the importance of planning regulations and the need to uphold them. She also understood that planning documents cannot be written to address all possible scenarios and there are times when site specific amendments are necessary, reiterating that this is one of those times. She highlighted that this was a good solution as the property is: compatible with the other properties in the area, there is no cost to HRM, is supported by neighbours and others in Halifax, is a well maintained property with a well maintained HRM walkway, there is plenty of buffers, and is an appropriate use of the property. She pointed out that demolition could have been sought by HRM or the Crown during the court proceedings but it was not and why Council would seek this remedy now. Ms. Jsang asked Council to approve the application, as modified to remove the dental office, to allow the residential dwelling and accessory buildings to remain as is on the property.

Mayor Savage reviewed the rules of procedure for public hearings and opened the public hearing for anyone wishing to speak on the matter.

As agreed by Council, Mayor Savage invited the property owner, Paulette Jensen to be the first speaker.

Paulette Jensen, property owner explained that in 1982 they were focused on building a new orthodontic practice at the Halifax Professional Centre. They had relied on their architect to negotiate the Development Agreement with the former Halifax County Planning Department and acquire the necessary building and occupancy permits. She apologised for not paying closer attention to the development process and realized that it was their responsibility to make certain that everything was done properly. Ms. Jensen spoke about the former city of Halifax's intention in 1982 to use their property as an abutment to a proposed bridge across the North West Arm from Robie Street to Purcell's Cove Road. The city also wanted them to wait to develop the property until city water and sewer were available, but it was determined that it was an approved building lot and they were allowed to build. She spoke to the challenges of the property's configuration and designing their home and accessory buildings to fit within

the layout and how they have maintained their property to a high standard for all to enjoy. Ms. Jensen confirmed that they were up to date on their property taxes and water lot fees.

Ms. Jensen spoke about the lease at the Halifax Professional Centre coming to an end September 2007 and how their remaining orthodontic patients did not want to travel to their new Dartmouth office. It was their understanding that they could have a home-base business in the accessory building to complete the 50 patients' 20 months of treatment. She explained that they saw seven (7) patients one (1) day a week in the summer as an interim measure. From November to April patients went to their Dartmouth office because their driveway was too steep and icy. She commented on the negative effect this has had on her and the possibility of losing their home. She commented that neighbours were in support and expressed concern with the bank foreclosing on their home and having to declare bankruptcy if they are forced to relocate or demolish the house and accessory buildings. Ms. Jensen asked Council to approve the application to allow them to stay in their home.

Richard Bendor-Samuel, Halifax spoke to the Jensen's home being a highlight when boating on the North West Arm. He viewed much of the more recent development on the North West Arm as negative and not following the proper planning regulations. He was concerned with the possibility of the Jensen's losing their home, speaking to its beauty and asset to the waterfront, and finding a way to allow it to remain.

Greg Cameron, Halifax spoke to the history of the property and court proceedings, commenting on the stress and anxiety this process must have on the Jensen family. Mr. Cameron echoed points made about the Jensen's taxes being up-to-date, highlighting the revenue generated to HRM since 1982. He further spoke to the property's well and septic and how the Jensens have their own snow removal and garbage disposal. He also spoke about the property's aesthetics and not being able to see the home from the Purcell's Cove Road and the view from the waterfront and asked for Council's support.

Wayne Harvey, Halifax referred to 20 to 40 year old waterfront properties that were in existence and discovering at the time of sale they were not in compliance with the LUB and not properly permitted. He explained that in those cases the HRM worked out a solution with the home owners that did not include demolition. He suggested that the hardship that would be imposed on the Jensens if the buildings were to be demolished go beyond the risks of what HRM might experience from allowing the amendments and encouraged Council to approve the amendments.

Rick Ormston, Halifax spoke in support of the proposed amendments. He commented on the home's nautical theme and the tasteful streetscape. Mr. Ormston indicated that he was unaware of anyone in the neighbourhood who was opposed to the application. He noted that the Jensens have paid both financially and emotionally for the mistake they were unaware they made at the time and he asked for Council's support.

Matthew Murphy, Halifax echoed points made on the Jensen's well-kept property, the nautical theme, and the tour boats slowing down to see the property. He commented that the Jensen's home is a unique and memorial piece of maritime architecture located on the historic North West Arm, and he asked Council to allow the Jensens to keep their home.

Rod Kerr, Halifax spoke in support of the application and his business relationship with the Jensens since 1981 respecting the building, maintenance and upgrades of their dock. He echoed points made about the tour boats and the home being unique, well-constructed and well-maintained. He recognized the need for rules but was hopeful for a solution that would allow the Jensens to keep their home. He did not see an upside to demolishing the buildings and questioned how a vacant property would benefit HRM. Mr. Kerr spoke about the attractiveness and walkability of the portion of the path next to the Jensen's property in comparison to more dangerous sections of the path near other properties, especially during icy conditions.

Philip Walsh, Halifax commented on the beauty of the Jensen's property and asked that the buildings be left as is on the property.

Richard Dube, Halifax spoke to the Jensen's character and the aesthetic of their home. It was his and his wife's opinion that demolishing the buildings would be an extremely punitive action with no benefit and he asked Council to approve the application.

Marge Blunden, resident of Prospect Bay spoke to boating with friends down the North West Arm to show them the homes along the waterfront, indicating that the Jensen's home was one of the most liked. She commented on the nautical theme and how the Jensens have a ship's bell that they ring to greet boats crashing by. She wondered what the North West Arm would look like without the Jensen's home and asked for Council's support.

Peter Blunden, resident of Prospect Bay asked Council to grant the amendments and save the Jensen's home from demolition. He spoke about heritage properties in HRM, commenting that although the Jensen's home was not as old, it was grand, elegant and architecturally significant. He echoed points made about the tour boats, the home's unique nautical theme and the tragic loss it would have on the Jensen's and residents of Halifax to see it demolished.

Michael Watts, Halifax spoke about his experiences visiting the Jensen's home, commenting that Jean and Paulette Jensens are perfectionists with incredible taste. He did not feel that the Jensens would do anything intentional to go against planning regulations and suggested that there would be reputational harm to Council if the application was not approved.

John Traves, Halifax indicated that he was a neighbour of the Jensens and spoke in support of their application. He noted the importance of adhering to planning laws but asked Council to consider the fact that there is nothing to suggest that the Jensen's did not rely on their architect to get the permits.

The Mayor called three times for any other members of the public wishing to speak on the matter. There being none, it was MOVED by Councillor McCluskey, seconded by Councillor Nicoll

THAT the public hearing be closed.

MOTION PUT AND PASSED.

MOVED by Councillor Adams, seconded by Councillor Rankin

THAT Halifax Regional Council adopt the proposed amendments to the Halifax Municipal Planning Strategy (MPS) and Halifax Mainland Land Use By-law (LUB) as set out in Attachments A and B of the supplementary staff report dated May 20, 2016.

Council discussed the motion with staff responding to further questions of clarification related to the location of the dwelling and accessory buildings and the risks to HRM if approved. Mr. Sampson confirmed the temporary dental office was no longer in use and the accessory buildings were only to be used for storage. Members agreed that it would be unfair to request the buildings be demolished but were concerned with undermining HRM's ability to enforce the by-laws. In response, staff reiterated points about the length of time that has passed on this property and the amendments being site specific.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Mosher

Council recessed at 8:01 p.m. and reconvened at 8:09 p.m.

14.4 MEMBERS OF COUNCIL

14.4.1 Deputy Mayor Whitman – Support for the Atlantic Agricultural Fair

The following was before Council:

- A Councillor Request for Consideration Form submitted by Deputy Mayor Whitman

MOVED by Deputy Mayor Whitman, seconded by Councillor Adams

THAT Halifax Regional Council direct staff to prepare a report to the Audit and Finance Standing Committee in order to identify a funding source for the Atlantic Agricultural Fair, and make a recommendation to Regional Council.

It was noted that the Atlantic Agricultural Fair is scheduled to run from October 6 to 10, 2016.

Discussion was held with questions being raised around the process and why this request was not vetted from staff to the Special Events Advisory Committee to determine the source of funding and amount for the Audit and Finance Standing Committee's consideration and recommendation to Regional Council.

Councillor Karsten requested a friendly amendment to change the wording of the motion to *consider a grant* rather than identify a funding source, which Council agreed.

The motion now reads:

THAT Halifax Regional Council direct staff to prepare a report to the Audit and Finance Standing Committee in order to consider a grant for the Atlantic Agricultural Fair, and make a recommendation to Regional Council.

During the discussion, Mayor Savage stepped down as Chair and to speak in of the motion and Deputy Mayor Whitman assumed the Chair. Following which, Mayor Savage resumed as Chair and Deputy Mayor Whitman took his seat.

MOTION PUT AND PASSED. (14 in favour, 1 against)

In favour: Mayor Savage, Deputy Mayor Whitman, Councillors Dalrymple, Karsten, Nicoll, McCluskey, Mancini, Mason, Watts, Walker, Adams, Rankin, Craig and Outhit.

Against: Councillor Hendsbee

Not present: Councillors Mosher and Johns

15. MOTIONS

15.1 Ratification of In Camera Motion from July 19, 2016

MOVED by Councillor Hendsbee, seconded by Councillor Dalrymple

THAT Halifax Regional Council ratify the direction provided to staff in the In Camera meeting of July 19, 2016 regarding agenda item 16.4.2 – Adjacent Parcels – Porters Lake Canal, Highway 207, Seaforth/Three Fathom Harbour.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Mosher and Johns

15.2 Councillor Karsten

The following was before Council:

- Correspondence from Stephen Ryan and Margaret Lucas

MOVED by Councillor Karsten, seconded by Deputy Mayor Whitman

THAT Halifax Regional Council request a staff report on the public service announcement released on July 26, 2016 advising that electric and gas-powered scooters and bicycles with trailers are not permitted on Halifax Transit ferries.

Discussion was held and staff was asked to clarify in their report the things passengers would be permitted to bring on the Halifax Transit ferries (e.g. items such as large luggage, the number of bicycles, etc.) as it relates to the safety component.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Mosher and Johns

Item 17.1 was addressed at this time.

17.1 Councillor Mason – 825 Young Avenue, Halifax

The following was before Council:

- A Councillor Request for Regional Council Consideration form from Councillor Mason

MOVED by Councillor Mason, seconded by Councillor Watts

THAT Halifax Regional Council request that planning staff and the Heritage Advisory Committee consider the application for heritage registration of 825 Young Avenue during their September Heritage Advisory Committee meeting and report back to Council on October 4, 2016.

Councillor Mason noted a correction on his Councillor Request for Regional Council Consideration form that the address is *825 Young Avenue* not 835.

Mr. Martin Ward, Acting Municipal Solicitor clarified that where this motion was arising from an item added to the agenda, it would mean that Council could not consider the motion until a staff report came forward with a recommendation. In order for this motion to go forward, Council needs to suspend the rules, which requires two-thirds vote. He explained that if they were prepared to suspend the rules, then Council could set a timeframe for the Heritage Advisory Committee to report back.

MOVED by Councillor Mason, seconded by Councillor Watts

THAT the rules be suspended to allow for a motion.

Discussion was held on whether to suspend the rules with staff responding to questions of clarification.

Two-thirds vote required.

MOTION PUT AND DEFEATED. (8 in favour, 7 against)

In favour: Mayor Savage and Councillors Hendsbee, Karsten, Nicoll, Mason, Watts, Craig and Outhit

Against: Deputy Mayor Whitman and Councillors Dalrymple, McCluskey, Mancini, Walker, Adams and Rankin

Not present: Councillors Mosher and Johns

Where the motion to suspend the rules was defeated, the motion directing planning staff and the Heritage Advisory Committee to consider the application for heritage registration of 825 Young Avenue was deemed to be out of order.

16. IN CAMERA (IN PRIVATE)

16.1 Contract Negotiations

A matter pertaining to contract negotiations and legal advice.

16.1.1 Halifax Commuter Rail Service – Private and Confidential Report

The following was before Council:

- A private and confidential recommendation report submitted by the Chair of the Transportation Standing Committee dated July 24, 2016

MOVED by Councillor Dalrymple, seconded by Councillor Outhit

THAT Halifax Regional Council:

1. Direct staff to further explore the unsolicited proposal regarding commuter rail in Halifax Regional Municipality, and that staff return to Regional Council with the results of the discussion for further consideration.
2. Not release the private and confidential Transportation Standing Committee report dated July 24, 2016 to the public.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Mosher and Johns

16.1.2 Award – Request for Proposal No. 16-043, Operation of Halifax Ragged Lake Source-Separated Composting Facility – Private and Confidential Report

The following was before Council:

- A private and confidential staff recommendation report dated July 12, 2016

MOVED by Councillor Adams, seconded by Councillor Walker

THAT Halifax Regional Council:

1. Award RFP No. 16-043, Operation of Halifax Ragged Lake Composting Facility to the highest scoring proponent meeting specifications and for an estimated cost as outlined in the private and confidential staff report dated July 12, 2016.
2. Direct staff to release the private and confidential report dated July 12, 2016 after agreements have been executed by the CAO or his delegate.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Mosher and Johns

16.2 Property Matter

A matter pertaining to providing instruction and direction to officers and employees of the Municipality pertaining to the acquisition / sale of land in regard to

16.2.1 Ross Road Realignment Capital Budget – Private and Confidential Report

The following was before Council:

- A private and confidential recommendation report submitted by the Chair of the Audit and Finance Standing Committee dated July 26, 2016

MOVED by Councillor Nicoll, seconded by Councillor Hendsbee

That Halifax Regional Council:

1. **Approve funding for the Ross Road Realignment project as outlined in the Financial Implications section of the private and confidential staff report dated May 25, 2016 and the private and confidential Audit and Finance Standing Committee report dated July 26, 2016.**
2. **It is further recommended that the Audit and Finance Standing Committee report dated July 26, 2016 be released once negotiations with the land owner and an agreement has been reached.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Mosher and Johns

16.3 Labour Relations

A matter pertaining to reports, advice and recommendations, instruction or direction to officers and employees of the Municipality concerning labour relations and employee negotiations arising out of the contract or contract negotiations with one of the Municipalities unions.

16.3.1 Collective Bargaining Update - Oral – *Private and Confidential Report*

This matter was addressed following Item 18.1 - Notices of Motion, see page 20.

17. ADDED ITEMS

17.1 Councillor Mason – 825 Young Avenue, Halifax

This matter was addressed earlier in the meeting, see page 17.

18. NOTICES OF MOTION

18.1 Deputy Mayor Whitman

“TAKE NOTICE that, at the next meeting of Halifax Regional Council to be held on September 6, 2016, I propose to move that Halifax Regional Council respect the wishes of the residents of Westwood Hills, surrounding communities and the Tantallon area to be heard on the possibility of an asphalt plant opening in their neighbourhood and instruct staff of HRM's Planning Department to conduct an additional public consultation session before the staff information report is presented to HRM's Northwest Community Council.”

18.2 Deputy Mayor Whitman

“TAKE NOTICE that, at the next meeting of Halifax Regional Council to be held on September 6, 2016, I propose to move First Reading of proposed By-law S-443, which will amend By-law S-400, *the Street Improvement By-law* the purpose of which is to adopt the Local Improvement Charges for 2015 for new paving projects outside the core area.”

18.3 Councillor Outhit

"Take Notice at the next regularly scheduled meeting of Halifax Regional Council to be held on September 6, 2016, I intend to move amendments to Administrative Order One, Schedule 7, the Terms of Reference for the Transportation Standing Committee respecting road and pedestrian safety."

18.4 Councillor Outhit

"TAKE NOTICE that, at the next meeting of Halifax Regional Council to be held on September 6, 2016, I propose to move First Reading of proposed By-law S-442, which will amend By-law S-400, *the Street Improvement By-law* the purpose of which is to adopt the Local Improvement Charges for 2015 for new paving projects inside the core area."

18.5 Councillor Hendsbee

"TAKE NOTICE that, at the next meeting of Halifax Regional Council to be held on September 6, 2016, I propose to move amendments to *Administrative Order 10, Respecting Partial Tax Exemption for Residential Taxation*, the purpose of which is to set out criteria for tax relief applications where a party achieves a successful application for title to assessed land as approved by the Department of Natural Resources and in accordance with the Land Titles Clarification Act."

18.6 Councillor Adams

"TAKE NOTICE that, at the next meeting of Halifax Regional Council to be held on September 6, 2016, I propose to request a staff report that consideration be given to the provision of a community monitoring committee for the Halifax Ragged Lake Source-Separated Composting Facility."

MOVED by Councillor McCluskey, seconded by Councillor Walker

THAT Halifax Regional Council convene in camera.

MOTION PUT AND PASSED.

Council convened into In Camera at 9:14 p.m. and reconvened at 10:12 p.m.

16.3.1 Collective Bargaining Update - Oral – *Private and Confidential Report*

This matter was dealt with In Camera (In Private). A motion was passed during the In Camera (In Public) session to extend the time of the meeting beyond 10 o'clock p.m.

19. ADJOURNMENT

The meeting adjourned at 10:12 p.m.

Kevin Arjoon
Municipal Clerk