



**HALIFAX REGIONAL COUNCIL
MINUTES
April 14, 2015**

REVISED

PRESENT:

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

STAFF:

Mr. Richard Butts, Chief Administrative Officer
Mr. John Traves, Municipal Solicitor
Ms. Cathy Mellett, Municipal Clerk
Ms. Phoebe Smith, Legislative Assistant
Ms. Sheilagh Edmonds, 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://archive.isiglobal.ca/vod/halifax/archive_2015-04-14_live.mp4.html

The agenda, supporting documents, and information items circulated to Council are available online: <http://www.halifax.ca/council/agendasc/150414rc-agenda.php>

The meeting was called to order at 1:00 p.m., and recessed at 3:00 p.m. Council reconvened in at 3:18 p.m., and recessed at 5:05 p.m. Council reconvened at 6:00 p.m. and moved into an In Camera session at 6:37 p.m. Council reconvened to the public session at 8:15 p.m., and adjourned at 8:18 p.m.

1. INVOCATION

The Mayor called the meeting to order at 1:00 p.m. with the Invocation being led by Councillor Rankin.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillors noted a number of special community announcements and acknowledgements.

A moment of silence was observed honouring Mr. Brian Dempsey.

3. APPROVAL OF MINUTES – Committee of the Whole March 10, 2015 and Regional Council February 24 & March 10, 2015

MOVED by Councillor McCluskey, seconded by Deputy Mayor Nicoll that the minutes of the Committee of the Whole March 10, 2015 and Regional Council February 24 & March 10, 2015 be approved as circulated. MOTION PUT AND PASSED.

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

Additions: 14.1 Fly-past Request – 2015 Battle of the Atlantic Ceremony

MOVED by Councillor Walker, seconded by Councillor Whitman that the agenda be approved as revised. 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 - March 10, 2015

8.1 Porters Lake Canal, Highway 207, Seaforth/Three Fathom Harbour

The following was before Council:

- A staff recommendation report dated February 2, 2015 (typographical error in report incorrectly referred to the date as 2014).

MOVED by Councillor Hendsbee, seconded by Councillor Karsten that Halifax Regional Council not seek to acquire the Porters Lake Canal parcels.

Councillor Hendsbee noted that the provincial government has signed an agreement to take ownership of the parcels in question.

MOVED by Councillor Hendsbee, seconded by Councillor Johns that the motion be tabled.

The Clerk advised, in accordance with Administrative Order One, a motion tabling a report which is not taken up within six months shall be deemed to have been withdrawn.

MOTION TO TABLE PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Adams

9. PUBLIC HEARINGS

9.1 Case H00409 – Deregistration of a Heritage Property – 2267 Brunswick Street, Halifax

This matter was dealt with later in the meeting, see page 17 for details.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence

The Clerk noted that correspondence was received for items: 11.1.1, 11.2.3, 11.3.1, and 11.7.2. This correspondence was circulated to Council.

For a detailed list of correspondence received refer to the specific agenda item.

10.2 Petitions

10.2.1 Councillor Craig

Councillor Craig submitted a petition with over 900 signatures for the safety of all travelling public in the HRM including pedestrians asking HRM to purchase winter tires for Halifax Transit buses due to weather conditions that require more than an aggressive tire.

10.2.2 Councillor Walker

Councillor Walker submitted a petition signed by 13 of the 14 households on Kent Avenue in Prince's Lodge requesting removal of the Caution: Sanding Only sign at the bottom of the street and the street be salted from here on.

10.2.3 Councillor Karsten

Councillor Karsten submitted a petition with 23 signatures in regards to Case 19626 which is before Council today as item 11.1.1 listing 11 concerns with respect to the change of Municipal Planning Strategy (MPS) and Land Use By-law (LUB).

10.3 Presentation - NONE

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Case 19626 – Amendments to the Dartmouth Municipal Planning Strategy (MPS) and Land Use By-law (LUB) 836 and 842 Portland Street, Dartmouth

The following was before Council:

- A staff recommendation report dated March 25, 2015
- Correspondence dated April 14, 2015 from Blair Richardson.

MOVED by Councillor Karsten, seconded by Councillor Mason that Halifax Regional Council direct staff to:

- 1. Initiate the process to consider site-specific amendments to the Dartmouth Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for the lands at 836 and 842 Portland Street, Dartmouth to enable the development of a commercial/office building and a multi-unit residential building; and**
- 2. Follow the Public Participation Program for the MPS amendment process as approved by Council in February 1997.**

Referencing the petition submitted earlier, Councillor Karsten explained that if the motion is passed, residents will be invited to a public information meeting to solicit further input from the community after which staff will prepare a recommendation report and a public hearing will be held.

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.2 Donation of Surplus Access-A-Bus Buses

The following was before Council:

- A staff recommendation report dated March 31, 2015.

MOVED by Councillor Watts, seconded by Councillor Mason that Halifax Regional Council approve the donation of two Access-A-Bus buses to Strait Area Transit.

Councillor Watts noted that there has been an ongoing discussion regarding donating surplus buses and that this report comes after an expression of interest from Strait Area Transit to support their transit program.

Councillor McCluskey questioned whether the municipality would incur any liability through this donation.

Mr. Eddie Robar, Director, Halifax Transit responded that there would be no liability to the municipality if the property ownership is transferred, with which the Municipal Solicitor concurred.

Deputy Mayor Nicoll noted this is an opportunity for HRM to help another municipality where they don't have the tax base to be able to secure accessible transit.

In response to a question from Councillor Whitman, Mr. Robar clarified that Halifax Transit does not contact other transit operators regarding surplus assets. He advised that unsolicited proposals to take over ownership of surplus vehicles are considered with Council's direction.

Councillor Karsten advised that there is a policy governing surplus Access-A-Bus donations and that other municipality-owned vehicles and equipment are salvaged as much as possible before being sold. He voiced support for the motion.

Responding to a question from Councillor Hendsbee, Mr. Robar noted that assets are replaced yearly and that there may be additional surplus buses available in fall 2015.

Mr. Richard Butts, Chief Administrative Officer informed Council that these assets have reached the end of their useful life, and the municipality has extracted as much value as possible. He also pointed out that the buses would require substantial investment to operationalize.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor McCluskey

11.2 AUDIT AND FINANCE STANDING COMMITTEE

11.2.1 Operating Costs of New Capital Reserve Account Q320 Closure

The following was before Council:

- A recommendation report dated April 1, 2015, with attached staff report dated March 13, 2015.

MOVED by Councillor Karsten, seconded by Councillor Mosher that Halifax Regional Council close the Reserve Account Q320 - Operating Costs of New Capital.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor McCluskey

11.2.2 Budget Increase – CE020001 – Police Services Replacement Equipment

The following was before Council:

- A recommendation report dated April 1, 2015, with attached staff report dated March 13, 2015.

MOVED by Councillor Mosher, seconded by Councillor Karsten that Halifax Regional Council approve an increase to new Project Account CE020001 - Police Services Replacement Equipment in the amount of \$671,200 with funding from the approved Halifax Regional Police (HRP) 2014/15 Operating budget with no net change to HRP's Operating Surplus/Deficit.

MOTION PUT AND PASSED UNANIMOUSLY.

11.2.3 Report Request - Risk Management Office

The following was before Council:

- A recommendation report dated April 1, 2015.
- Correspondence dated April 11, 2015 from Joanne Corbett

MOVED by Councillor Mosher, seconded by Councillor Whitman that Halifax Regional Council request a staff report assessing the establishment of a Risk Management Office for the Halifax Regional Municipality.

Councillor Mosher referred to correspondence encouraging Council to establish a risk management process for all projects, and she noted that the Auditor General had made similar recommendations. She advised that if a Risk Management Office is established, it does not necessarily require more than one staff member. She cited several examples where she felt that a formal risk management process would have resulted in more informed Council decisions.

Councillor Outhit commented that this report originated from a report of the Auditor General. He requested commentary on the Chief Administrative Officer's position with respect to this matter, citing remarks made publicly that such an office would be unnecessary.

Mr. Richard Butts, Chief Administrative Officer expressed his opinion that processes have improved since the Washmill Lake underpass decision. He emphasized that regardless of his personal opinion, if Council passes the motion he will task staff with preparing the report.

Councillor Outhit questioned whether the Audit and Finance Standing Committee had considered requesting an independent report.

Mr. Butts noted that it is the responsibility of all staff to present Council with transparent advice. John Traves, Municipal Solicitor added that if an independent report were requested, it would still be the CAO's responsibility to bring forward his recommendation.

Councillor Watts noted that the legal department has been expanded to provide a measure of risk management. She sought affirmation that options other than a formal Risk Management Office would be considered in the staff report. Mayor Savage confirmed that it was the intent of the Audit and Finance Standing Committee that all options be considered.

Councillor Karsten agreed and sought an amendment to the motion on the floor to include the phrase “or other options”

MOVED by Councillor Karsten, seconded by Councillor Watts that the motion be amended to include the phrase “or other options” after “Risk Management Office.”

MOTION TO AMEND PUT AND PASSED UNANIMOUSLY.

Councillor Craig noted that all decisions before Council include some kind of risk and that it is important to examine and assess whether the risk is acceptable. He commented that financial and environmental implications are routinely presented in reports and risk impact ought to be handled in the same way. He agreed that this could be accomplished through an office, individual, or new processes.

Councillor Whitman noted that there have been times in his view where all the information on a given topic was not presented to Council and he stressed the importance of having matters reviewed through a risk management perspective.

Councillor Rankin remarked that risk management must be exercised; the question is how this function is best achieved. He noted Council must perform due diligence in demonstrating how and where risk is managed. He indicated that there are also financial implications to not establishing a proper risk management procedure and advised that the Auditor General’s recommendations should be examined for their inherent risks as well.

Deputy Mayor Nicoll suggested an amendment to include “with associated costs” to the wording of the motion. Mayor Savage advised that there would be cost options attached to the recommendations and alternatives, so this amendment was not needed.

Councillor Walker noted that it is ultimately Council’s responsibility if risks are not adequately considered and that a new process would not absolve Council of that responsibility.

Councillor Outhit advised that there is risk management already taking place, as all reports are reviewed by the engineering, finance and legal departments as well as being signed off by the CAO. He asked that the report clearly indicate which functions are and are not currently being exercised.

The motion before Council now reads:

MOVED by Councillor Mosher, seconded by Councillor Whitman that Halifax Regional Council request a staff report assessing the establishment of a Risk Management Office or other options for the Halifax Regional Municipality.

MOTION PUT AND PASSED UNANIMOUSLY.

11.3 COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT STANDING COMMITTEE

11.3.1 Acquisition of Lands in the Purcell’s Cove Backlands

The following was before Council:

- A recommendation report dated March 30, 2015, with attached staff report dated February 5, 2015.

- Correspondence dated April 13, 2015 from Catherine McKinnon and April 14, 2015 from J. Michael Hanusiak

MOVED by Councillor Mason, seconded by Councillor McCluskey that any process to consider public acquisition of the lands identified in the March 20, 2014 Regional Council Motion be deferred pending completion of Phase 1 of the Greenbelting & Open Space Plan.

Councillor Mason noted the importance of the principles of Urban Reserve and developing the greenbelting functional plan. He noted that if it is Council's wish to pursue a separate plan for the lands in question, that process would still happen on the same timeline as the greenbelting plan due to limited staff resources.

Councillor Adams asked staff to explain how the acquisition of land for public ownership was related to greenbelting.

Mr. Bob Bjerke, Chief Planner and Director of Planning and Development, noted that the acquisition of lands for public purpose is driven by Council once they have expressed desire for an open space for a particular purpose. One path is through the development process; the land could be acquired as a municipal reserve through the evaluation of a sub-division plan. Alternately, if there isn't a development underway, there would be opportunity to acquire parcels to add to the open space inventory. The greenbelting and open space plan is designed to provide a broad overview of what the needs are and a framework to understand the value and priority of acquiring different sites.

Councillor Adams noted that he understood that natural and open spaces with respect to greenbelting could include forestry uses and resource extraction. He referenced the correspondence from the landowner expressing fear that the property could be greenbelted without acquisition or compensation. He noted that a motion was passed on May 20, 2014 to initiate the process of bringing the lands into public ownership, and indicated his dismay that after 10 months the report has come forward recommending a further delay. He noted that he did not intend to support this motion because he did not see the correlation with greenbelting.

Councillor Hendsbee registered his agreement with the remarks made by Councillor Adams and added his recommendation that Council purchase the property before the land value increases further. He asked staff to provide a timeline for completion of the study.

Mr. Bjerke responded that the project is well underway, noting it is a joint process between the Planning and Development and Parks and Recreation departments. He stated that background work is expected to take six months to complete, and there will be a significant public involvement in the process with the final report to be brought to Council by March 2016. Mr. Bjerke advised that the report will provide the framework for the regional open space network.

Councillor Karsten noted he was still unsure of the intention of the greenbelting process as it relates to the tender that has been awarded. He asked staff whether it was possible that this initiative will result in the greenbelting of private property without acquisition or compensation.

Mr. Bjerke responded that the intent of the plan is to provide a framework for making decisions, and it will be provided to Council to give direction on future planning initiatives. He noted that it will not change any of the development rights on any of the properties under consideration. He reiterated that, at present, no framework exists to evaluate one piece of property over another to determine which is more important to the municipality, and this process will provide the context to better evaluate and develop a strategic open space network.

Councillor Watts referenced the correspondence from the Backlands Coalition supporting the deferral of the acquisition, and she expressed her understanding that it was staff's best professional advice to wait for the completion of the Greenbelting & Open Space Plan rather than going forward on a piecemeal basis. She advised that Council should have a fulsome plan before making these decisions and noted

that the land is Urban Reserve and won't be developed before 2031 at the earliest. Mr. Bjerke confirmed that the lands are identified in the Regional Plan as Urban Reserve, which is intended to designate land where the municipality is looking for future urban serviced development.

Councillor Mosher noted that in December 2012, she brought this issue to Council with a motion that specified that staff should support and recommend a plan to move forward to implement the recommendations. She indicated that other properties under consideration have been sold because Council took too long to make the decision.

Mr. Bjerke noted that staff would move forward if that is Council's direction. He noted that much of the analysis they would want to do is the same as what will be done during the greenbelting process, which will be more comprehensive.

Councillor Mosher expressed her desire to defeat the current motion and pursue this matter separately.

Councillor McCluskey referenced Port Wallace where it took 40 years to develop a plan. She noted that the developers bought the land knowing that it was identified as Urban Reserve. She indicated that several properties are awaiting this framework to be developed and did not see why this one in particular should be pursued separately.

Councillor Outhit noted that there had been a similar matter before the North West Community Council and they had taken the decision to wait for the greenbelting and open space plan. He stressed the importance of gathering all information required to make the best decision.

Several Councillors expressed that they remained concerned that private property could be greenbelted.

Mr. John Traves, Municipal Solicitor advised that greenbelting, to the extent it impacts on any private property interests, will be the decision of Council, not staff.

Councillor Adams indicated that Council has already provided direction on this matter and urged Council to defeat the motion, at which time he would put forward a motion that mirrors the motion passed on May 20, 2014. Councillor Rankin noted that the motion from May 2014 referenced options and possibilities, but did not give clear direction to purchase the land. He suggested that staff and Council should have a solid framework and rationale to justify acquiring such a large parcel of land.

Deputy Mayor Nicoll commended staff for recognizing that development has to follow policy, which necessitates a framework.

MOTION PUT AND PASSED. (10 in favour, 7 against)

Councillor Dalrymple declared he intended to vote against the motion and Council agreed to note his vote as such.

In favour: Mayor Savage, Deputy Mayor Nicoll, Councillors: Karsten, McCluskey, Fisher, Mason, Watts, Rankin, Craig and Outhit

Against: Councillors: Dalrymple, Hendsbee, Mosher, Walker, Adams, Whitman, Johns

Council recessed at 3:00 p.m. and reconvened at 3:18 p.m.

11.4 EXECUTIVE STANDING COMMITTEE

11.4.1 Halifax Regional Water Commission (HRWC) Governance

The following was before Council:

- A recommendation report dated March 30, 2015, with attached staff report dated March 23, 2015.

MOVED by Councillor Craig, seconded by Deputy Mayor Nicoll that Halifax Regional Council:

- 1. Request that the Province amend the Halifax Water Commission Act to:**
 - a. Make Halifax Regional Municipality the sole shareholder of HRWC with authority to**
 - i. Approve Issuance, purchase, sale, hold, transfer, vote, manage and all dealings with capital stock,**
 - ii. Approve wind-up or dissolution, subject to Provincial legislative approval,**
 - iii. Appoint the Board of Directors, and,**
 - iv. Receive the Annual report.**
 - b. Further, define the scope of authority by and accountability to shareholders by allowing the Halifax Regional Municipality to approve and direct:**
 - i. new lines of business,**
 - ii. services to new areas outside HRM,**
 - iii. formal partnerships,**
 - iv. the long-term strategic plan, to ensure alignment with the Regional Plan**
 - v. the annual business plan with regards to alignment with HRM's annual priorities. For greater clarity, this does not include the HRWC Budget, and**
 - vi. the debt policy and any guarantees**
- 2. Direct Staff to develop an Administrative Order outlining**
 - a. Competency requirements for appointment to the Board of Directors,**
 - b. The review of annual financial statements,**
 - c. Required annual performance metrics as agreed between HRWC Board and HRM Council,**
 - d. The process for review of the annual business plan, including timing of presentation to HRWC Board, UARB and HRM Council, and defined scope of review and approval to avoid duplication with the HRWC Board and the UARB review and approval.**
 - e. The review of the HRWC Employees Pension Plan Financial Statements, and,**
 - f. Other matters as required or allowed by the Halifax Water Commission Act.**

Councillor Craig noted that this process was initiated by a Council motion from January 2013 as a way to clarify the authority that Council has in regard to the HRWC.

Councillor Whitman questioned why Council would not approve and direct the HRWC budget; he asked for the benefits of the current arrangement with respect to governance; he questioned whether the Auditor General would review annual financial statements; he noted concern that the threshold for publishing compensation was higher at \$250,000 than what the municipality was setting at \$100,000.

Mr. Greg Keefe, Director of Finance responded that approval of the budget was excluded so as not to create a conflict with the mandate of the Board of Halifax Water and that of the regulator, NS Utility and Review Board (NSUARB) With respect to benefits of current arrangement, Mr. Keefe pointed to the state of repair of the water network, noting that the water infrastructure is in much better shape than wastewater infrastructure which up until the most recent changes was under the control of the municipal units. He further noted that the compensation discussion was in regard to the approval and not publishing of compensation.

Mr. Richard Butts, Chief Administrative Officer noted that HRWC faces the scrutiny of the NSUARB as well as interveners almost every year, so there is considerable budget oversight.

Councillor Fisher sought to clarify whether Council had once held control over Halifax Water and had lost that authority, or whether that direct control was never there. Mr. Keefe responded that Council never had control over Halifax Water outside of appointing Board members. Councillor Fisher followed up by asking

how these recommendations would impact the resumption of the work regarding the service level agreement. Mr. Keefe responded that these recommendations should not have a noticeable impact on that process which is well underway.

Councillor Rankin noted that the current structure was designed to provide a degree of autonomy, to prevent direct intervention by the municipality. He requested confirmation from staff that the intention is not to direct annual plans, but to determine alignment with other activities. Mr. Keefe noted that the intention was not to increase the bureaucracy surrounding the development of the annual plan; rather it was to provide clarity to the governance model, address possible conflicts and provide an opportunity for Council to intervene if necessary in order to seek alignment.

Councillor Johns requested clarification on the implications behind HRM as the sole shareholder, and what responsibilities Councillors currently hold who are also appointed to the Board of Halifax Water

Mr. Keefe clarified that there are currently no shareholders, so this action would be to establish the Municipality as the first and only shareholder of Halifax Water. He noted that once appointed, Board Members have a fiduciary responsibility to Halifax Water, not to Regional Council. He noted that using Board appointments to impose the will of Council would present a conflict of interest, and that the shareholder model avoids that potential for conflict.

Councillor McCluskey questioned whether staff was considering opportunities to reduce expenses with shared services. Mr. Keefe responded that there will be a working group established to examine opportunities and added that some services are already being provided including legal, insurance, and risk management.

In response to a question from Councillor Whitman, Mr. Keefe noted that the province must enact a change to the legislation before these changes take effect.

Mr. Traves, Municipal Solicitor added that statutory and corporate bodies without shares have existed for a long time and have resulted in situations like this where it is not clear who controls the entity. He noted that the current approach was becoming common practice in the interest of clarity and transparency.

Councillor Dalrymple noted that if Halifax Water comes to Council to seek guidance on a matter, it may result in Council interfering in the business of Halifax Water. Mr. Keefe responded that the second part of the recommendation to direct staff to develop the Administrative Order was included for that reason. It is the intention that those issues and the interaction between Halifax Water, HRM Council, and the NSUARB should be fleshed out in the Administrative Order.

MOTION PUT AND PASSED. (16 in favour, 1 against)

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

Against: Councillor Dalrymple

Mayor Savage closed by noting that Halifax Water has never been opposed to advice and has always responded to requests to appear even at late notice, and he anticipates the relationship will only get stronger with this motion.

11.5 TRANSPORTATION STANDING COMMITTEE

11.5.1 Amendments to Streets By-law S-300, Respecting Streets

The following was before Council:

- A recommendation report dated March 30, 2015, with attached staff report dated February 24, 2015.

MOVED by Councillor Rankin, seconded by Councillor McCluskey that no changes be made to By-law S-300, By-law Respecting Streets at this time with respect to the issue of paving of backfilled trenches.

Councillor Rankin noted that staff indicated in the report that they have the authority to require the paving of backfilled trenches, but there can be extenuating circumstances so it is best left to the inspector to enforce. The report highlights that there is a standard that an area be passable at all times, and this is routinely assessed through inspections.

Councillor Mosher noted that her intention in bringing this to Council's attention was to discuss penalties and the importance of communicating the changes made in 2013 concerning timelines to all parties including Halifax Water and 311.

Councillor Watts remarked that advisory notices go out to residents to inform them that work is being done in the neighbourhood and she would like to see these notices provide details on the required timelines for reinstatement of trenches and what recourse is available should that timeline not be followed.

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

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

Against: Councillor Hendsbee

Not present: Councillor Adams

11.6 HERITAGE ADVISORY COMMITTEE

11.6.1 Case H00411 – Background Study toward Establishment of a Heritage Conservation District in Schmidville

The following was before Council:

- A recommendation report dated April 2, 2015, with attached staff report dated February 6, 2015.

MOVED by Councillor Johns, seconded by Councillor Mason that Halifax Regional Council:

- 1. Accept the background studies contained in Attachments A and B* of the staff report dated February 6, 2015 to initiate the process to establish a Heritage Conservation District in Schmidville;**
- 2. Assign the Design Review Committee to review the final Heritage Conservation District plan and bylaw, as it relates to potential amendments to the Downtown Halifax Secondary Municipal Planning Strategy and Land Use By-law, and submit its recommendation to Regional Council in addition to the recommendation of the Heritage Advisory Committee.**
- 3. Consider asking the appropriate Provincial Minister for the legislative authority to suspend any potential development in the Schmidville district while undergoing the process of establishing Schmidville as a Heritage Conservation District.**

* Staff noted that appendices were consolidated as Attachment A in the staff report dated February 6, 2015.

Councillor Fisher requested clarification on the third recommendation with respect to suspending development, in terms of whether this would apply to ongoing development rights.

Ms. Cathy Mellett, Municipal Clerk noted that Council had previously provided direction respecting the Barrington South Heritage District and asked that staff provide a report prior to considering this recommendation.

Mr. Seamus McGreal, Heritage Planner added that Council does not have the ability to restrict development under the current Heritage Property Act.

Council agreed to vote on each recommendation from the motion separately.

MOVED by Councillor Johns, seconded by Councillor Mason that Halifax Regional Council:

- 1. Accept the background studies contained in Attachments A and B* of the staff report dated February 6, 2015 to initiate the process to establish a Heritage Conservation District in Schmidville;**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Karsten

- 2. Assign the Design Review Committee to review the final Heritage Conservation District plan and bylaw, as it relates to potential amendments to the Downtown Halifax Secondary Municipal Planning Strategy and Land Use By-law, and submit its recommendation to Regional Council in addition to the recommendation of the Heritage Advisory Committee.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Karsten

MOVED by Councillor Mason, seconded by Councillor Johns that Halifax Regional Council defer the third recommendation:

- 3. Consider asking the appropriate Provincial Minister for the legislative authority to suspend any potential development in the Schmidville district while undergoing the process of establishing Schmidville as a Heritage Conservation District.**

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

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

Against: Councillor Hendsbee

Not present: Councillor Karsten

11.7 MEMBERS OF COUNCIL

11.7.1 Councillor Mason – Supplemental Building Information – 1588 Barrington Street

The following was before Council:

- A staff supplemental information report dated March 3, 2015

This matter was considered concurrently with item 11.7.2.

11.7.2 **Councillor Mason** – Status of Arts Incubator Pilot at 1588 Barrington Street

The following was before Council:

- A Councillor Request for Consideration Form with attached letter from Neptune Theatre Foundation, Khyber Arts Society and Friends of the Khyber dated March 25, 2015
- A staff information report dated March 3, 2015
- Correspondence dated March 24, 2015 from Jen Hill

MOVED by Councillor Mason, seconded by Councillor Fisher that Regional Council request that staff work in support of Neptune Theatre, the Khyber Arts Society and other parties as identified in their letter of March 25, 2015 in the creation of viable 'Renovation Plan and Operating Strategy' for 1588 Barrington Street with clear financial implications, including and not limited to:

1. **access to required building schematics, BMR and other engineering reports, CAD drawings and limited and supervised access to the building**
2. **staff support within Parks and Recreation and Finance to work with the parties during the formation and review of this Operating Strategy**
3. **a continued moratorium on the municipal sale or demolition of the Khyber Building**

And when complete this strategy be presented to CPED for possible recommendation to Council.

Councillor Mason noted the attached letter from Neptune Theatre to explain the origin of the motion. He noted that Neptune Theatre is potentially interested in entering into a partnership with the municipality, but first wishes to investigate the building with architects and engineers and assess their ability to raise the required revenue. He suggested that Council grant a six month extension to give the Neptune Theatre group time to prepare a proposal.

Mr. Richard Butts, Chief Administrative Officer questioned the wording of the motion and suggested that it may read as an endorsement of alternate operating strategy. He recommended some clarity and a timeframe.

Councillor Fisher sought an amendment to have the report come back to Council no later than October 2015.

Councillor Adams directed a question to Mr. Butts as to whether Council provides a grant to Neptune Theatre. Mr. Butts responded that Neptune Theatre receives a property tax grant valued at \$400,000 and a small operating grant of \$40,000. He commented that his office has received a letter requesting additional funding. Councillor Adams expressed concern that if Neptune becomes involved they will ask Council for additional funds.

Councillor Mosher noted that the building in question is in very poor condition and requires up to \$4.5 million in repairs to bring it up to code, which would result in a loss of half the gross floor area. She questioned which groups would stay and which would be relocated and whether the ongoing process with St. Patrick's High School could consider inclusion of the arts incubator.

Ms. Jane Fraser, Director of Operations Support, agreed that a fair amount of rentable space would be lost and noted that staff has not looked at which groups would use the facility. Regarding an arts incubator in St. Patrick's, she noted that staff was given the authority to move forward with land-use planning for that site but it is in the very early stages.

Councillor Johns expressed concern with the implications of moving forward with this motion, including forgoing potential revenue from a sale, tax revenue and income, and indicated that it may be time to move on from this property and investigate other opportunities.

Councillor Dalrymple noted that Neptune is a very capable organization and he was pleased to see that they are considering getting involved, assuming they do not ask Council for additional funds to support

the project. He questioned what the cost would be to HRM of allowing a six month extension and whether or not the Neptune group was already actively fundraising for the project. Ms. Fraser responded that the vacant building costs the municipality \$30,000 per year, but she could not speak to whether or not fundraising has begun.

Councillor Whitman questioned what kind of financial commitment this motion would entail, and whether hopes would be raised if the motion was passed. He also requested an update on the Power House building as he suggested the buildings were comparable.

Ms. Fraser indicated she could not answer about raising expectations but noted that there are emotional attachments to the building. She noted that the Power House is under renovation, but it is restricted to institutional or park usage. Councillor Whitman requested information on whether that project was proceeding on budget, to which Ms. Fraser replied that she could provide that information.

Councillor Outhit expressed interest in an arts incubator but noted that it does not necessarily need to be in the Khyber building. He noted that there are many buildings that Council wants to save but there are no plans on what to do with them, and he expressed interest in seeing a big picture plan for the usage of buildings within the Municipality.

Councillor Watts indicated her support for the motion and commented that the motion today would simply provide access to information for the community to do the analysis, look at the funding options, and prepare a proposal. She noted that considering the historical significance of the building it would be prudent to allow time for this examination.

Councillor Mason introduced friendly amendments to the motion on the floor to address some of the concerns raised during the discussion, to which Council agreed.

The motion now reads:

MOVED by Councillor Mason, seconded by Councillor Fisher That Regional Council request that staff work in support of Neptune Theatre, the Khyber Arts Society and other parties as identified in their letter of March 25, 2015 in the creation of a proposal for a 'Renovation Plan and Operating Strategy' for 1588 Barrington Street with clear financial implications, including and not limited to:

- 1. access to required building schematics, BMR and other engineering reports, CAD drawings and limited and supervised access to the building**
- 2. staff support within Parks and Recreation and Finance to work with the parties during the formation and review of this Operating Strategy**
- 3. a continued moratorium on the municipal sale or demolition of the Khyber Building**

And when complete a staff report be presented by October 2015 for consideration by Regional Council.

Councillor Mason noted that because Neptune is located next door to the Khyber, there may be opportunity to move the fire stairwell to the alley which is something that Council would not be able to do on its own. He indicated that this process would allow the group to determine if that and other opportunities are feasible. He noted that if this isn't successful, there are still other promising opportunities. He confirmed that fundraising has not yet begun as it is seen as too preliminary at this point.

Councillor Craig sought to confirm that the report will be completed by Neptune, that it is not city staff being tasked with preparing the report. Mr. John Traves, Municipal Solicitor noted that the amendment clarifies that point, that the group will submit a proposal, which staff will then assess the proposal and prepare a report for Council's consideration.

Councillor Johns noted he felt that the part of the motion directing staff to “work in support of” Neptune was confusing and could be interpreted that staff are directed to work toward achieving the objective as expressed in the attached letter.

Mr. Traves clarified that the motion is to direct staff to support the Neptune Theatre group and other parties specifically by providing them with engineering reports and assistance so they may prepare their proposal. That proposal would then be received by staff who will forward it to Council with the staff review and recommendation. Mr. Butts added that his interpretation of the motion is that it is in reference to the specific requests made in the letter from the Neptune group. He stated that the support to be provided includes access to the building and access to drawings, and this would be the limit of staff support until the proposal is received, at which point staff would formulate a report for Council.

AMENDED MOTION PUT AND PASSED. (13 in favour, 4 against)

In favour: Mayor Savage, Deputy Mayor Nicoll, Councillors Dalrymple, Hendsbee, Karsten, McCluskey, Fisher, Mason, Watts, Rankin, Johns, Craig, and Outhit.

Against: Councillors Mosher, Walker, Adams and Whitman

12. MOTIONS - NONE

13. IN CAMERA

13.1 In Camera Minutes – March 10, 2015

This matter was dealt with later in the meeting. See page 16 for details.

13.2 Personnel Matter

Citizen and Councillor appointments to boards and committees in keeping with the Public Appointment Policy adopted by Regional Council in August 2011, to be found at <http://www.halifax.ca/boardscom/documents/Citizenrecruitmentpolicy.pdf>

13.2.1 Citizen Appointment to Halifax Port Authority – *Private and Confidential Report*

This matter was dealt with later in the meeting. See page 18 for details.

13.2.2 Citizen Appointments to the Grants Committee – *Private and Confidential Report*

This matter was dealt with later in the meeting. See page 18 for details.

13.2.3 Personnel Matter – *Private and Confidential Report*

This matter was dealt with later in the meeting. See page 19 for details.

14. ADDED ITEMS

14.1 Fly-past Request – 2015 Battle of the Atlantic Ceremony

This item was added to the agenda during approval of the order of business.

The following was before Council:

- Correspondence from Captain Angus Topshee, Base Commander of Canadian Forces Base Halifax dated April 9, 2015.

MOVED by Councillor Mason, seconded by Councillor McCluskey that Halifax Regional Council grant permission for the Canadian Armed Forces to fly a long-range patrol aircraft over Point Pleasant Park as per the diagrams attached to the correspondence dated April 9, 2015 at an altitude of 500 feet above the highest obstacles on Sunday May 3, 2015 at 10:58 a.m. in conjunction with the 2015 Battle of the Atlantic ceremony.

MOTION PUT AND PASSED UNANIMOUSLY.

15. NOTICES OF MOTION

15.1 Councillor Whitman

“Take Notice that, at the next meeting of Halifax Regional Council to be held on April 28, 2015 I propose to introduce a motion for amendments to by-law T-1000 Taxis, Accessible Taxis and Limousines to exempt community-based transportation services which are provided by non-profit organizations from any impacts of the by-law by the following motion: That Regional Council direct staff to bring forward an amendment to by-law T-1000 providing that by-law T-1000 does not apply to community-based transportation services which are developed and provided by non-profit organizations through partnerships by coordinating public, private, non-profit and volunteer resources and services that receive provincial or municipal financial support to cover a portion of the operating costs.”

15.2 Councillor Mason

“Take Notice that, at the next meeting of Halifax Regional Council to be held on April 28, 2015, I propose to introduce amendments to Administrative Order 15, the License, Permits and Processing Fees Administrative Order, to create a tiered fee system for sidewalk cafés, allowing for a new fee category for small cafés, and to introduce a housekeeping amendment to the same Administrative Order.”

15.3 Councillor Walker

“Take Notice that, at the next meeting of Halifax Regional Council to be held on April 28, 2015, I propose to move a motion of rescission to the motion passed at the January 14, 2014 Regional Council meeting to approve that Regional Council:

1. Levy a new Stormwater Charge for Right-of-Way costs of \$39 per Property on those properties that pay the Halifax Water Stormwater Charge, and,
2. Request that Halifax Water collect the new Stormwater Charge for HRM through the Halifax Water billing process, commencing with the 2014-15 fiscal year.”

13. IN CAMERA

13.1 In Camera Minutes – March 10, 2015

MOVED by Councillor McCluskey, seconded by Councillor Mason that the In Camera minutes of March 10, 2015 be approved as circulated.

MOTION PUT AND PASSED.

Council recessed at 5:05 p.m.

Council reconvened at 6:00 p.m. Councillors Rankin and Johns were not present.

Mayor Savage noted that April was National Poetry Month, and in recognition Ms. El Jones, the Municipality’s Poet Laureate and Mr. Andre Fenten, a Spoken Word Artist will be presenting their poetry at 6:00 p.m.

9. PUBLIC HEARING

9.1 Case H00409 – Deregistration of a Heritage Property – 2267 Brunswick Street, Halifax

The following was before Council:

- A recommendation report dated March 5, 2015 submitted by the Vice Chair of the Heritage Advisory Committee; attached was a staff report dated February 4, 2015.
- A draft minute extract from the Regional Council meeting of March 10, 2015
- A staff presentation dated April 14, 2015

Ms. Maggie Holm, Heritage Planner provided an overview of the matter before Regional Council for consideration noting that staff, while cognisant of the unique circumstances regarding the error in registration, do not support the application deregistration based on the heritage value of the property.

Ms. Holm also noted that matter went before the Heritage Advisory Committee, and the Committee passed a motion recommending that Council deregister the rectory property.

Ms. Holm responded to questions of clarification.

In response to a question from Councillor Whitman, Ms. Holm advised that if Council approved the deregistration, the property would be considered 'deregistered' as of this evening.

In response to a question from Councillor Hendsbee, Ms. Holm advised that there is no appeal mechanism in the Heritage Property Act.

The Mayor opened the public hearing and invited the applicant to come forward to address Council at this time.

Mr. Blair Beed addressed Council advising he was representing the applicant. Mr. Beed explained that in 2014 when preparing to sell the property, they became aware that due to a clerical error the rectory had been registered as a heritage property. He indicated that in order to continue to maintain St. Patrick's Church they need the funds from the sale of the rectory. Mr. Beed noted that it was an obvious clerical error which led to this situation, and he asked Council to approve their request for deregistration.

The Mayor invited members of the public to come forward and speak if they wished at this time, advising of the Rules of Procedure for public hearings.

Mr. Kevin MacPherson, Halifax, advised that he was a parishioner of St. Patrick's Church and advised that he strongly supported the deregistration request and that the money from the sale of the rectory would greatly assist in allowing the Church to continue as a heritage property.

Mr. Patrick Murphy advised that he was a parishioner of St. Patrick's Church spoke in support of the request to deregister the rectory. He outlined the work the Church carries out for the community and advised that the deregistration would enable the Church to continue with this work.

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

MOVED by Councillor Watts, seconded by Councillor Karsten that Halifax Regional Council deregister St. Patrick's Rectory located at 2267 Brunswick Street, Halifax as a municipal heritage property due to the error in the 1982 municipal heritage registration.

Councillor McCluskey noted that she hoped that the façade of the rectory would remain when it is developed.

Councillor Hendsbee noted that he was a member of the Heritage Advisory Committee, and advised that when the Committee discussed this matter there was concern that allowing the deregistration could possibly result in the demolition of the building. He added that the Committee was advised that the developer intends to redevelop the property and not demolish it, and though it may be a leap of faith, the Committee is hopeful that the developer will honour that expressed intent.

MOTION PUT AND PASSED UNANIMOUSLY.

Not Present: Councillors Rankin and Johns.

MOVED by Councillor Hendsbee, seconded by Councillor Whitman that Council convene in camera. MOTION PUT AND PASSED.

Council recessed at 6:37 p.m.

Council reconvened at 8:15 p.m. to ratify the motions from the In Camera session as follows:

13.2.1 Citizen Appointment to Halifax Port Authority – Private and Confidential Report

Deputy Mayor Nicoll declared a conflict of interest and removed herself from her seat at Council.

MOVED by Councillor Watts, seconded by Councillor Mason that Halifax Regional Council:

- 1. Appoint the citizen outlined in the discussion section of the Private and Confidential Executive Standing Committee report dated March 30, 2015 to the Board of the Halifax Port Authority.**
- 2. Release the name of the appointment following Council ratification and notification to the successful candidate.**

MOTION PUT AND PASSED. (11 in favour, 1 against)

In favour: Mayor Savage; and Councillors: Dalrymple, Hendsbee, Karsten, Fisher, Mason, Watts, Walker, Adams, Craig, and Outhit.

Against: Councillor Whitman

Not Present: Deputy Mayor Nicoll; and Councillors: McCluskey, Mosher, Rankin, and Johns.

Deputy Mayor Nicoll returned to her seat at Council.

13.2.2 Citizen Appointments to the Grants Committee – Private and Confidential Report

MOVED by Councillor Mason, seconded by Councillor Walker that Halifax Regional Council:

- 1. Approve the appointments to the Grants Committee as outlined in the Private and Confidential Report from the Audit and Finance Standing Committee dated March 30, 2015.**
- 2. It is further recommended that the citizen appointments be released to the public following ratification and notification of the successful candidates.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not Present: Councillors: McCluskey, Mosher, Rankin, and Johns

13.2.3 CAO Annual Review

MOVED by Councillor Karsten, seconded by Councillor Walker that Halifax Regional Council ratify the CAO annual evaluation rating as outlined in the private and confidential report of the Executive Committee; and that the report not be released to the public.

MOTION PUT AND PASSED. (12 in favour, 1 against)

In favour: Mayor Savage; Deputy Mayor Nicoll; and Councillors: Dalrymple, Hendsbee, Karsten, Fisher, Mason, Watts, Walker, Adams, Craig, and Outhit.

Against: Councillor Whitman

Not Present: Councillors McCluskey, Walker, Rankin, and Johns.

16. ADJOURNMENT

The meeting adjourned at 8:18 p.m.

Cathy J. Mellett
Municipal Clerk