

Friends of Halifax Common-1763-2013

6032 Charles St
Halifax, Nova Scotia
B3K 1L1
December 3, 2012

NS Law Amendments Committee
P. O. Box 1116 Halifax,
Nova Scotia B3J 2X1

RE: Bill 157

Dear Chair and Committee Members:

Friends of Halifax Common (FHC) is disappointed to learn that the provincial government will proceed with legislation to permit HRM to construct a permanent building on the North Common to support a seasonal recreational activity. Since our inception FHC has worked tirelessly to have the a positive long-term vision based on the excellent public consultation and plan resulting in the 1994 Halifax Common plan and adopted by the city of Halifax.

FHC has never been against the Oval, but we continue to be for the Halifax Common and achieving the principal recommendations in the plan:

- Section 2.1- The amount of public open space in the Halifax Common will not be decreased.
- Section 3.1- The amount of land owned by the City of Halifax will not be decreased.
- Section 3.2 -The City will seek to increase the amount of land under city ownership through recapture of lands.

Major concerns with the decision of the provincial government to introduce legislation amending the Halifax Charter to permit another permanent structure on the North Common are:

1. Protective Legislation:

Premier Dexter was inspired to introduce legislative protection for the Dartmouth Common. Friends of Halifax Common has written to Premier Dexter asking for similar legislation for the Halifax Common on two grounds but this has been denied.

- Premier Dexter was inspired to introduce legislative protection for the Dartmouth Common. Why is it the case that what is good for the gander is not good for the goose?
- In 2012 the Halifax Common will be 250 years old. Premier Dexter could have ensure the future of the Halifax Common going forward by appropriately enshrining its protection as a commemoration of the 250th anniversary of the gift of the Halifax Common to "*the inhabitants of the town of Halifax forever*" by King George III in 1763.

2. Poor Governance of the Halifax Common by HRM:

In letters to Premier Dexter, Leonard Preyra, Maureen MacDonald and meetings with Howard Epstein and John MacDonnell (attached), Friends of the Halifax Common have outlined many examples whereby the government of the Halifax Regional Municipality has

shirked its fiduciary responsibility with respect to the Halifax Common. Some of these were illegal and are known to the province- the illegal buildings on the North Common. Some were illegal and known to both the public and the province- the Concerts of the Common scandal. Some of them are illegitimate-such as the 2010 promise of \$2.7 million in improvements to the North Common with a temporary Oval which now seems to exclusively being spent on the EMERA Oval and building without a legitimate public consultation process. By allowing HRM to continue to build "one more time" on the North Common the provincial government is rewarding HRM's illegal behavior.

3. Provisos in Exchange for Legislation:

Friends of Halifax Common wrote to government to suggest provisos now that the legislation is coming forward as a condition of that legislation that would ensure there was an improvement to the aesthetic character of the buildings, lights, electrical boxes and chillers. These included:

- A requirement for an integrated landscape design and masterplan for the entire Halifax Common based on the 1994 Halifax Common Plan.
- A requirement that the support buildings/structures for the Oval presently built on the North Common including the chillers and electrical supply box in the southeast corner and the electrical box adjacent to the Centennial Fountain as well as any other or subsequently needed infrastructure be buried underground. This is in keeping with the Halifax Common being a public and open place.
- A requirement that the stadium-style lighting be removed and something on shorter and multiple poles with lighting cutoffs be installed; this provides better and more direct lighting and causes less light pollution.
- A requirement that there be no parking on the Common for any vehicles.
- A requirement that there be no corporate signs for sponsorship on the Common.
- A requirement that there be no fencing enclosing any significant portion of the Common.
- A requirement that there be no vending on the Halifax Common.

These suggestions were ignored.

4. As the permanent building for the EMERA Oval won't be built in time for this season, Friends of Halifax Common suggested options in lieu of the permanent building for the seasonal Oval to HRM, to the Premier, to John MacDonnel and to Maureen MacDonald. There is still time to slow down the process and find more imaginative and better long-term solutions. The options are as follows:

- Both Ottawa and Winnipeg have temporary shelters for their winter skating. As the use of the purpose of the proposed building is seasonal HRM could do as Winnipeg and have a design competition for temporary buildings to accommodate the seasonal needs of the skaters-the zamboni could be in a tent and then stored off site at the HRM parks and grounds near the Public Gardens.

- Please see the gallery website with the photos of successful Winnipeg shelters:
<http://www.warminghuts.com/gallery/display,gallery/17/2010> This exciting solution could be organized in collaboration with projects that the School of Architecture already engages in.
- The Pavillion could be a better location for a new building as it is a site dedicated to our youth and could have an expanded purpose to support the existing sports and play activities infrastructure on the Central Common all of which have longer seasons. These include the skate park, the wading pool, the playground, the swimming pool, the baseball field, tennis courts and the soccer field. Or instead of a new building it could be determined that the Pavillion, which has existing washrooms could be upgraded or expanded. This is an opportunity for the city to take the time to do a long-term plan for the entire Common and think in a macro aspect about what is a good location and a real purpose for a building long-term as there won't be any permanent building built this year in any case. A new building could be part of a re-design of the Central Common.

These options are apparently being ignored.

Friends of Halifax Common did not come to the provincial government as its first recourse. Since its inception in 2006, FHC has written letters, done art project, organized Jane's Walks, made presentations to HRM Council, community councils, & met with the Mayor and Councilors in an attempt to invoke a better sense of stewardship by the city but all measures have failed.

Small achievements to date do include:

- Better public appreciation for the extent of the original land grant – 265 acres bounded by Robie St on the west, North Park, Bell Road, South Park on the east, Cunard on the north and South Street on the south.
- HRM placing the 1994 Halifax Common Plan on the website.
- Initiating the dialogue with Capital Health which led to the 5 year commitment for the Common Roots Urban Garden at the site of the former Queen Elizabeth High School

But efforts to have the 1994 Halifax Common Plan respected have been ignored. So much of the Halifax Common has been lost that there really needs to be some sober second thought about doing a "micro" project without a full-macro vision for the next 250 years. At present approximately 20% of the Halifax Common remains as public open space. Public open space on the peninsula is at a premium as the HRM attempts through densification, to increase the population on the peninsula by 25,000. Public open space is highly important to both mental and physical health. It does not have to be packaged into a sports function as benefits are derived from passive recreational enjoyment.

How poor that this NDP government's legislation enables further encroachment on the Halifax Common instead of its offering it stewardship and protection for the future.

(by email)

Peggy Cameron,
Co-chair, Friends of Halifax Common

Friends of Halifax Common-1763-2013

6032 Charles St
Halifax, Nova Scotia
B3K 1L1
November 23, 2012

Maureen MacDonald, MLA
Veith House
3115 Veith Street
Halifax, Nova Scotia, B3K 3G9

Dear Maureen:

Friends of Halifax Common is disappointed to learn that the provincial government will proceed with legislation to permit HRM to construct a permanent building on the North Common to support a seasonal recreational activity.

In two letters to the Premier and sent to you and other relevant MLAs, the Friends of Halifax Common explained that there were a number of options to a permanent building that could be considered, especially in light of the fact that there will be nothing built until next year in any case.

We are also disappointed that the Premier was able to offer protective legislation for the Dartmouth Common but chose not to do so for the 249 year-old Halifax Common. As the provincial legislation is to proceed in any case we would make the following suggestions be included in exchange for the permission.

1. A requirement for an integrated landscape design and masterplan for the entire Halifax Common based on the 1994 Halifax Common Plan.
2. Please ask that the support buildings/structures for the Oval presently built on the North Common including the chillers and electrical supply box in the southeast corner and the electrical box adjacent to the Centennial Fountain as well as any other or subsequently needed infrastructure be buried underground. This is in keeping with the Halifax Common being a public and open place.
3. Please ask that the stadium-style lighting be removed and something on shorter and multiple poles with lighting cutoffs be installed; this provides better and more direct lighting and causes less light pollution.
4. Please request that there be no parking on the Common for any vehicles.
5. Please request that there be no corporate signs for sponsorship on the Common.
6. Please request that there be no fencing enclosing any significant portion of the Common.
7. Please request that there be no vending on the Halifax Common.

Please find below a list of options which the FHC suggested in lieu of the permanent building for the seasonal Oval.

Thank you in advance

Peggy Cameron,
Co-chair, Friends of Halifax Common

Cc: Mayor Savage, Premier Dexter, Jennifer Watts, Wayne Mason, John MacDonnel, Howard Epstein, Leonard Preyra, Michelle Raymond

Options to a permanent building on the North Halifax Common proposed to HRM....

As there won't be a permanent building on the Halifax Common this season there is time to slow down the process and find more imaginative and better long-term solutions.

- Both Ottawa and Winnipeg have temporary shelters for their winter skating. As the use of the purpose of the proposed building is seasonal HRM could do as Winnipeg and have a design competition for temporary buildings to accommodate the seasonal needs of the skaters-the zamboni could be in a tent and then stored off site at the HRM parks and grounds near the Public Gardens.
- Please see the gallery website with the photos of successful Winnipeg shelters:
<http://www.warminghuts.com/gallery/display,gallery/17/2010> This exciting solution could be organized in collaboration with projects that the School of Architecture already engages in.
- The Pavillion could be a better location for a new building to support the existing sports and play activities infrastructure on the Central Common all of which have longer seasons. This is an opportunity for the city to take the time to do a long-term plan for the entire Common and think in a macro aspect about what is a good location and a real purpose for a building long-term as there won't be any permanent building built this year in any case. A new building could be part of a re-design of the Central Common.

Public open space on the peninsula is at a premium as the HRM attempts to increase the population by 25,000. Public open space is highly important to both mental and physical health and does not have to be packaged into a sports function: benefits are derived from passive recreational enjoyment.

So much of the Halifax Common has been lost there really needs to be some sober second thought about doing a "micro" project without a full-macro vision for the next 250 years.

Friends of Halifax Common
6032 Charles St
Halifax, Nova Scotia
B3K 1L1

October 30, 2012

Mr. Darrell Dexter
Premier, Province of Nova Scotia
1 Government Place, Barrington St.
Halifax, NS

Re: Request for provincial legislation to protect the Halifax Common

Dear Premier Dexter:

I write on behalf of Friends of Halifax Common (FHC) to re-state the urgency of a previous request for protective legislation for the Halifax Common as outlined in our letter dated July 5, 2012.

In May 2012, FHC met with senior Halifax Regional Municipal (HRM) staff where agreement was reached that HRM would undertake a detailed comprehensive public consultation based on the outcome of the 1990 Halifax Common Plan to develop an integrated landscape design for the entire Halifax Common. We were told this would be in advance of any further development on the Common. HRM staff also advised us at that time that based on a legal opinion they had obtained; it is not legal to build any buildings on the Halifax Common.

Despite this, the HRM award tender (issued August 23 and awarded on September 11, 2012) for Emera Oval Landscaping (Plaza and Common Area Improvements) on the Halifax Common clearly delineates HRM's intention to construct a plaza and support building on the North Common. (See attachment) <http://www.halifax.ca/council/agendasc/documents/120925ca1111.pdf>

As outlined in the FHC letter of July 5, 2012, this contravenes HRM government's fiduciary responsibility to protect the Halifax Common and it does not fulfill the recent commitment to have a detailed public consultation to develop a landscape design for the entire Halifax Common in advance of further development there.

In summary, FHC concerns are:

- Building on the Common is illegal; therefore any number of existing structures on the Halifax Common is illegal as is the current plan to add another permanent structure.
- HRM's plan to have a permanent building to store a Zamboni and have a skate rental is not based on any legitimate public process.
- HRM's intention to build more permanent structures on the Halifax Common also ignores all recommendations from the 1994 Halifax Common Plan.
- In the instance of the Emera Oval, HRM has not explored other options for providing shelter for the skaters (both Ottawa and Winnipeg use architecturally beautiful or imaginative temporary structures for their winter skating shelters) or storing the Zamboni and benches off the Common (the site is a short distance from HRM facilities at Bell Road and Jubilee Road).
- The 2010 budget of \$3 million in public money promised for the improvements to the North Common has been largely appropriated for the Emera Oval & Molson Plaza.
- There has been no honest or transparent consultation on a plan & design landscape for the entire Halifax Common as promised.
- The outgoing HRM Mayor & Council approved changes they will never be held accountable for and that have further reduced the open space on the North Common by 25-30%. This has reduced the overall size of the Halifax Common to less than one-third.

The North Common has been treated as a construction zone since the beginning of the Concerts on the Common in 2006. For many months at a time it has been fenced off or inaccessible because of the preparation and the poor surface condition post-event. Starting in 2010 construction began for the temporary, then permanent Oval Emera. Recently this construction has continued with an extensive area around the perimeter of the entire Emera Oval being surrounded in chain-link fence.

It is evident that the area surrounding the Emera Oval needs to be graded and landscaped and that this would leave the remaining sense of open space intact and that keeps it still a public Common. However, more building on the North Common continues the degradation of the Common.

FHC's July letter describes a number of recent structures to the North Common which reduce the public open space including:

- A building to house the permanent power for the concerts-SE corner;
- Industrial sized chillers which are surrounded by chain link fence-SE corner;
- A large garage, expanded in the second year-centre of the Common;
- A large pile of dirt & a corrugated metal shipment container-centre of the Common;
- A very large rectangular metal box-adjacent to the Centennial Fountain);
- Several electrical poles;
- 4 sets of 6 stadium lights;
- Parking for as many as 16 vehicles-adjacent to the garage; &
- Several large signs and poles for banners.

The FHC letter of July 2012 also proposed remedies to these incursions on the Common.

And as previously stated in the July letter, the 1994 Halifax Common Plan was achieved through an honestly negotiated process and is a compromise where everyone participating gave up one thing to gain another. At the end of this negotiation, a position was agreed to and supported by the public and the politicians.

In Conclusion:

Friends of Halifax Common urgently request that there be protective legislation for the Halifax Common. Just as protection of the Dartmouth Common by the provincial legislature was imperative, so too is the protection of the Halifax Common. This legislation will ensure that there is a long-term vision for the Halifax Common and that Common interests of the majority of HRM citizens are met. This is an appropriate legacy for your government and for our citizens and our guests.

Please ensure that this baseline position arrived at with the 1994 Plan be respected and adopted through the Nova Scotia Legislature as part of the means to protect the Halifax Common as it approaches its 250th anniversary (1763-2013). Please ensure that the Halifax Common remains open and public as granted "*for the use of the inhabitants of the Town of Halifax forever*" by King George III. Imagine if less than one-quarter of New York's Central Park remained as public open space.



We look forward to working together to achieve this positive outcome for the Halifax Common, and its future generations and their guests.

Yours truly,

Peggy Cameron
Co-chair, Friends of Halifax Common

cc. Minister John MacDonnel
cc. Minister Leonard Preyra
cc. Minister Maureen MacDonald
cc. Howard Epstein, MLA
cc. Michele Raymond, MLA


Appendix

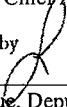


P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 11.1.1
Halifax Regional Council
September 25, 2012

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Original signed by 
Richard Butts, Chief Administrative Officer

Original Signed by 
Mike Labrecque, Deputy Chief Administrative Officer

DATE: September 10, 2012

SUBJECT: Award - Unit Price Tender # 12-173 Emera Oval Landscaping, (Plaza and Common Area Improvements) Halifax Common

ORIGIN

The Approved 2012/13 Project Budget
November 22, 2011, In Camera Report "Oval Naming Rights and Sponsorship"
December 13, 2011, Halifax Regional Council Report "Oval Sponsorship – Letters of Agreement, Item No. 10.1.4

RECOMMENDATION

It is recommended that Halifax Regional Council award Tender No 12-173, Emera Oval Landscaping, Halifax Common, to the lowest bidder meeting specifications, Turfmasters Landscaping Ltd. for a Total Tender Price of \$1,081,410.26 (net HST Included) with funding from Project No. CPX01329 – Park Upgrades, and Project No. CDG01137 - Community Events Venues, as outlined in the Budget Implications section of this report.

BACKGROUND

In the fall of 2010, HRM constructed a temporary long track speed skating oval as an event venue for the 2011 Canada Winter Games. Subsequently, Regional Council approved a multi-year plan for the construction of a permanent ice surface in the fall of 2011, and the construction of the plaza and support building in the approved 2012/13 capital budget.

Funding for the plaza and support building is as follows:

- CPX01329 - Park Upgrades - \$650,000
- CDG01137 - Community Events Venues - \$700,000
- CBX01344 – Long Term Arena Strategy - \$2,000,000
- **Total - \$3,350,000**

Public response to the oval has been positive. Public consultation has identified a number of priorities including making the Emera Oval a 12 month year-round facility. The construction of the Plaza and common areas improvements will help to address this priority. The plaza will give the public an opportunity to come together for a number of recreational, sport and cultural activities.

The scope of work for this award is restricted to the plaza and common area improvements. Future awards will help to address community consultation, the design and construction of the oval support building, and a number of concurrent site activities such as decorative lighting and gantry installation. Community consultation led by the asset owner (Community & Recreation Services) and the project team, will advise the Architect on the building design and function.

DISCUSSION

Tenders were called and posted to the Province of Nova Scotia's Procurement Services website on August 23, 2012, and closed September 11, 2012.

Bids were received from the following companies:

Company	Lump Sum Price (Before Net HST)	Total Cost (Net HST Included)
*Turfmasters Landscaping Ltd.	\$1,036,965.90	\$1,081,410.26
Dexter Construction Company Ltd.	\$1,275,900.00	\$1,330,585.07
Ocean Contractors Ltd	\$1,404,122.00	\$1,464,302.67

*Recommended contractor

It is anticipated that work will commence within one week of the tender award and take eight (8) weeks to complete. The schedule for this work is for completion prior to the winter 2012 skating season. The level of schedule risk is high with the uncertainty of weather conditions as winter approaches. The schedule risk will be mitigated by continuous monitoring of the schedule by Facility Development and undertaking corrective action to ensure the opening is not delayed.

The contract documents for this award have been prepared by HRM staff. This construction will complete the construction of the plaza and common area improvement and includes:

- Placement of gravels, concrete unit pavers
- Concrete walls and a new 3.5m wide sidewalk on Cogswell Street
- Placement of existing stockpiled topsoil, sod and shrubs
- Electrical conduit and light bases

BUDGET IMPLICATIONS

Based on the lowest tendered price of \$1,036,965.90, plus net HST of \$44,444.36, for a net total of \$1,081,410.26, funding is available in the Approved 2012/13 Project Budget from Project Nos. CPX01329 – Park Upgrades and CDG01137 - Community Events Venues. The budget availability has been confirmed by Finance.

Budget Summary:	Project No. CPX01329 - Park Upgrades
	Cumulative Unspent Budget \$1,007,126.93
	Less Tender No. 12-173 <u>\$ 631,109.53</u>
	Balance \$ 376,017.40

	Project No. CDG01137 - Community Events Venues
	Cumulative Unspent Budget \$707,375.23
	Less Tender No. 12-173 <u>\$450,300.73</u>
	Balance \$257,074.50

This portion-of the project was estimated in the Approved 2012/13 Project Budget at \$1,350,000.

This project was approved during budget deliberations and the balance of funds will be used to design and construct the support building.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

Extensive community consultation has been conducted in the planning and construction of the Halifax Common oval facility and the municipality has received overwhelming support for the construction of the permanent facility. Further community consultation will be undertaken in the fall of 2012 to receive further input from the community on the design of the support building

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications identified with this project.

ALTERNATIVES

Council could choose not to approve the recommendation in this report, but this is not recommended by staff. The Emera Oval is very popular civic venue and the work of this tender will begin to respond to requests to make the site more permanent.

ATTACHMENTS

Attachment A – Emera Oval Landscaping

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Steve Oakey, Parkland Planner, Facility Development, 490-4746

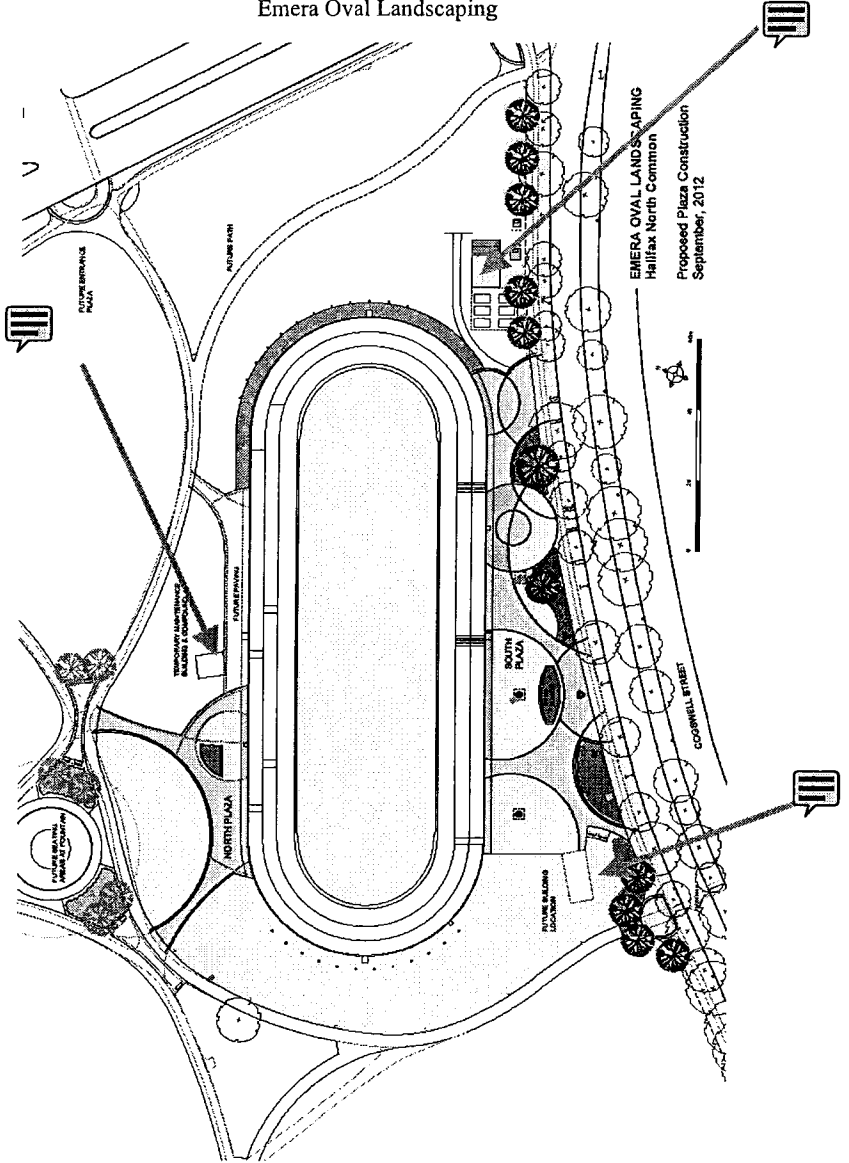
Report Approved by: _____
Terry Gallagher, Manager Facility Development, 490-4967

Financial Approval by: _____
Greg Keefe, Director of Finance & Information Technology/CFO, 490-6308

Report Approved by: _____
Brad Anguish, Director, Community & Recreation Services, 490-4933

Report Approved by: _____
Peter Stickings, Acting Director, Planning and Infrastructure, 490-7129

Attachment A
Emera Oval Landscaping



above ground chillers surrounded by chain-linked fence & electrical supply building

'temporary' double shed/garage to store Zamboni & benches - (year round)

220m² for operational & staff space
70m² for public use & 50m² for public washrooms

Friends of Halifax Common
6032 Charles St
Halifax, Nova Scotia
B3K 1L1

July 5, 2012

Mr. Darrell Dexter
Premier, Province of Nova Scotia
5th Floor, 1800 Argyle Street, Halifax
Nova Scotia, B3J 3N8

Re: Request for provincial legislation to protect the Halifax Common

Dear Premier Dexter:

The 235 acre Halifax Common was granted "*for the use of the inhabitants of the Town of Halifax forever*" by King George III in 1763. As a commemoration of the upcoming 150 anniversary of the Halifax Common, the Friends of Halifax Common write to request that the provincial government enact legislation to protect the Halifax Common and that this legislation enshrine the 1994 Halifax Common Plan, adopted by Halifax City Council in 1994. This is similar to the recent and necessary legislative protection that the provincial government put in place for the Dartmouth Common.

This letter details the rationale for this protective legislation by providing information on:

1. The principal recommendations of 1994 Halifax Common Plan;
2. The continued failure of the municipal government in its fiduciary responsibility to protect the Halifax Common; and
3. The importance of remedy for the Common and future oversight for protection.

1. The 1994 Halifax Common Plan was developed after a lengthy, involved and genuine public consultation. Because it was a legitimately negotiated public process, it is a valid compromise to provide guidance for the many substantive matters with respect to the management, detailed planning, capital expenditures and evaluation of proposals for the Halifax Common.

Principal recommendations in the plan have been ignored with respect to the following:

- Section 2.1- The amount of public open space in the Halifax Common will not be decreased.
- Section 3.1- The amount of land owned by the City of Halifax will not be decreased
- Section 3.2 -The city will seek to increase the amount of land under city ownership through recapture of lands.

The Halifax Regional Municipality has failed to offer any real support for either the letter or the spirit of the Halifax Common Plan and failed, as required by the Plan, to incorporate the Halifax Common Plan in the Municipal Development Plan. At present less than one-third of the Halifax Common remains as public open space and this continues to be reduced.

2. The municipal government's failure in its fiduciary responsibility to protect the Halifax Common has multiple historic (Appendix A) and recent examples. Most of HRM decisions have not been transparent or engaged the public. It is also the case that HRM continues to respond in an ad hoc way to the vagaries of seemingly urgent needs and shifting priorities, which cost financially or cost in loss of public space on the Common.

Recent failures of HRM's government to protect the Common include:

a. Concerts on the North Common began in 2006 at which time HRM Council adopted a series of policies to govern the use of the North Common for commercial concerts. Unfortunately staff never enforced most of these policies. For example although the policies stated that concerts under 40,000 should be held on the Garrison Grounds, this was never enforced and none of the subsequent concerts on the North Common reached that number. Even the Rolling Stones concert, anticipated by the promoter, HRM and the press to attract 80,000 concertgoers had less than 40,000.

Between 2006-2010 setup for and damage from concerts kept the North Common fenced off, damaged and inaccessible for months at a time. The city Auditor General determined there was over \$400,000 in illegal loans for these concerts and that attendance counts were inflated. In the end HRM Council gave

up trying collect the nearly \$360,000 remaining owing to the Halifax Metro Centre and voted to pay it.

b. Site Improvements to the North Common promised in 2010 by HRM Staff at a public information session have not been delivered. This included \$720,000 in site improvements for 2010, and \$3 million for proposed park improvements on the North Common. This was in part related to the drive to have more concerts on the North Common and in part related to the Canada Winter Games' temporary Oval on the southwest corner of the North Common. To date the only expenditure relating to those promised is \$375,000 for permanent power for concerts and *none of the money has been spent on the promised entrance plazas, pathways, seating, public art, landscaping, tree planting or field improvements* (see: Appendix B). The balance of the expenditure of monies promised in 2010, ~\$3 million, seems to have been spent on the now permanent Emera Oval, which occupies the southeast corner.

c. There was no authentic public consultation or transparency in prioritizing the North Common as the location for the Emera Oval. The temporary Oval had to be dismantled and re-installed to make it permanent. The opportunity to have a public discussion about where was the best permanent location was completely ignored. Now although the Emera Oval is a popular destination, lack of real public engagement and consideration of the long-term view have resulted in the location being problematic (no shelter, no services, no parking) and it has again meant large portions of the North Common have been fenced off, damaged, driven over, parked on and had the aesthetics of a construction zone and that HRM staff are anxious to develop and build all the infrastructure that should have been available in determining the best location for the temporary Oval to be moved to in the first place.

In 2011 Friends of Halifax Common made a presentation to HRM Community Council to draw attention that there was no consultation with the public on where the location of a permanent Oval should be. One suggestion FHC made was to put it on the Central Common where the waste heat (enough for 140 homes) could be captured and used to heat some of the adjacent facilities (Citadel High, the NS Museum of Natural History, the Halifax Infirmary or the CBC).

Other options included: the Halifax Waterfront because of its central and easy access by public transportation, the opportunity to re-invigorate the downtown and the availability of restaurants etc. or a network of community rinks as had been first conceived by the city so that neighbourhoods all over HRM would have access to public outdoor skating experiences in close proximity to their homes.

Similarly DSRA EnVision, a Halifax-based architectural firm, independently expressed interest in finding another location such as the Wanderer's Grounds, for a number of well-founded reasons as basic as the North Common being too exposed to the north wind and elements, but HRM Mayor, Council and staff did

not engage in considering other options or having a public consultation. Neither the single poorly worded survey nor the 9,000 face book signatures considered whether another site such as the Central Common or waterfront could better serve the needs of the users.

d. The decision process for the Molson Canadian Pavilion and Plaza was top-down. The approximately \$3 million expenditure for the building and plaza was not a clear outcome of the consultation held in the fall of 2011. The public information session held on April 19, 2012 occurred on the same date as the RFP for the proposed building closed. The design for the building was predetermined. (For example there will be 220m² for operational and staff space but only 70m² for public use and 50m² for public washrooms.) And although staff called this a consultation it was a top-down delivery of information of decisions that had already been made.

Although there is no evidence that HRM has explored other options it is pushing forward for more permanent building on the North Common. Examples of other solutions are: Ottawa's famous Rideau Canal which accommodates skating needs with temporary structures; and, second Winnipeg which has organized an extremely successful and popular architectural competition for warming huts for its winter skating trail <http://www.warminghuts.com/v2012.html> .

It also seems that some or all of the original monies allocated in 2010 for the improvements for the Common have been diverted to covering the costs associated with the permanent Oval and the proposed Pavilion and Plaza and none of the money has been spent to meet the needs of those who simply enjoy the Common year-round.

e. A number of new structures are now built on the North Common. These include:

- a. A building to house the permanent power for the concerts (SE corner);
- b. Industrial sized chillers which are surrounded by chain link fence (SE corner);
- c. A large wooden garage which has been expanded in the second year (centre of the Common);
- d. A large pile of dirt and a corrugated metal shipment container (centre of the Common);
- e. A very large rectangular metal box (adjacent to the Centennial Fountain);
- f. Several electrical poles;
- g. 4 sets of stadium lights with 6 large bulbs each and no directional cutoffs;
- h. Gravel parking for as many as 16 vehicles in the centre of the Common; and
- i. Several large signs and poles for banners.

Remediation and Protection of the Halifax Common

On its 250th anniversary remediation and future oversight for the protection of the Halifax Common is critical. HRM projects that it will have 15,000 to 25,000 more citizens living on the peninsula in the next 15 years yet it has done nothing to protect the Halifax Common's open space or create other parks on the peninsula. Rushed and top-down decisions by HRM staff regarding the Halifax Common continue to undermine the Common.

Protective legislation, similar to that recently adopted for protection of the Dartmouth Common, which enshrines the 1994 Halifax Common Plan, will provide a mechanism to prevent further degradation of the Halifax Common. Provincial legislation will provide a solid opportunity for making the best long-term decision about the future of the Halifax Common, which now has less than 1/3 remaining as public open space based on the 1994 Halifax Common Plan. This legislation could also require new structures on the North Common could be removed, properly installed or redesigned.

The 1994 Halifax Common Plan was achieved through an honestly negotiated process and is a compromise where everyone participating gave up one thing to gain another. In the end of any negotiated position it was agreed to and supported by the public and the politicians. Please ensure that this baseline position arrived at with the 1994 Plan be respected and adopted through the legislature as part of the means to protect the Halifax Common in its 250th year *"for the use of the inhabitants of the Town of Halifax forever"*

Thank you in advance for your consideration.

Yours truly,

Peggy Cameron
Co-chair, Friends of Halifax Common

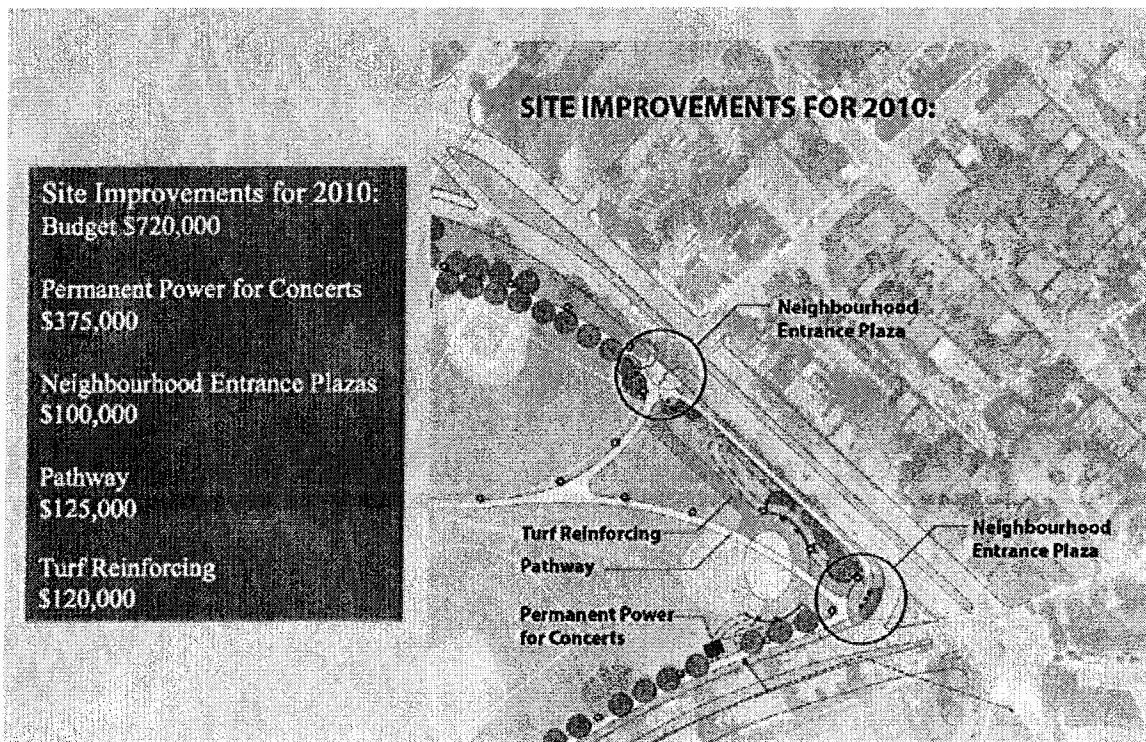
Cc:
Honourable Maureen MacDonald
Honourable Leonard Preyra
Honourable Howard Epstein

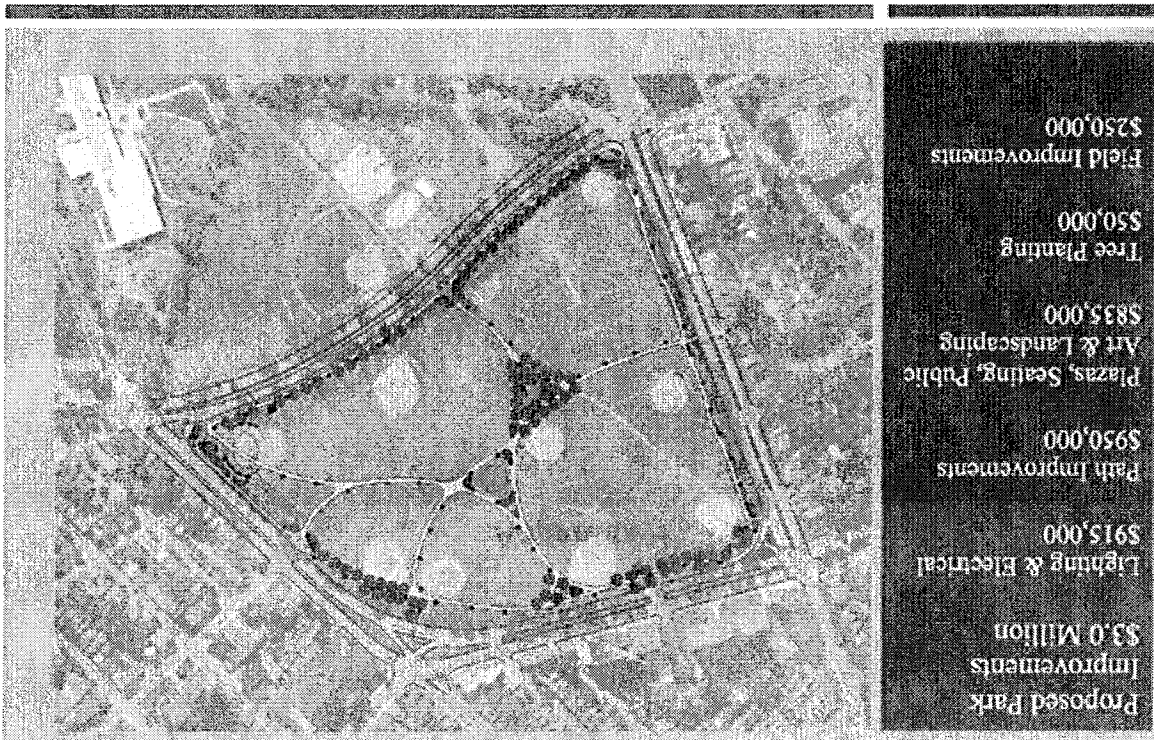
Appendix A

Historic examples of the city government's failure to protect the Halifax Common:

1. In 1984 the School for the Blind, with its landscaped garden was closed and sold to the province. In a public process, citizens agreed that in recognition of the former students and the beautiful garden that had served the School for the Blind, the VG Hospital would create a 200-car park within a 200-tree park and the portion of Tower Road between South Street and University Avenue could be closed in exchange for a walking path (see Appendix C). Instead the site is now a huge paved lot that holds over 500 cars.
2. In the 1990s, the municipality, in violation of the direction of the Halifax Common Plan sold the site of the former Civic Hospital to the Province for the present multi-story parking garage.
3. Again in violation of the Halifax Common Plan's instructions to recapture former lands, HRM sold the former Grace Hospital site on University Avenue to Dalhousie. From 1990 to 2010 Dalhousie University profited from operating a 300-care parking lot on the site. Dalhousie's new Life Sciences Research Institute opened in 2011 is a welcome addition to the health care facilities in the Province, however Dalhousie has failed to provide any landscaping on the University Avenue side of the building and instead enclosed a tarmac parking lot with a chain link fence. Not only does this shut off public access to the grounds and fail to recognize the fact the land is part of the Halifax Common, but Dalhousie has not been required by HRM to provide the walking path through the site which HRM required as part of the sale.
4. According to the Halifax Common Plan, in 2008 the Queen Elizabeth High School site was to revert to the Halifax Common. Instead the city did a land swap with the province, getting 30% less land but owing \$1.9 million. The Common Roots Urban Garden project of Capital Health is on this site but the long-term future of the site is uncertain as it is slated for future expansion of the hospital.
5. In 2006 HRM relocated the Bengal Lancers riding field from the Bell Campus of the Nova Scotia Community College lands to the present location and expanded its existing barn and riding field without any public process.

Appendix B





Friends of Halifax Common
6032 Charles St
Halifax, Nova Scotia
B3K 1L1

April 30, 2012

Mr. Leonard Preyra, MLA
Chair, Cabinet Committee on Legislation
89 Young Avenue
Halifax, NS, B3H 2V9

Dear Mr. Preyra:

*Re: Cabinet Committee on Legislature
HRM legislative amendment request and the Halifax Common*

As Co-chair of the Friends of Halifax Common, I write to request that the Internal Legislation Committee does not at this time, approve the amendment for constructing a building on the North Common for the Oval as requested by HRM and as outlined in the HRM staff report found at: <http://www.halifax.ca/council/agendasc/documents/120501ca1013.pdf> brought before HRM Council on May 1, 2012.

There has NOT been a proper public consultative process. For example the RFP for the \$1.4 million dollar Pavilion to be constructed on the North Common closed on the same date (April 19) that the city held its public information session on the building and the landscaping plan. The plans presented for the building and the landscape are predesigned and there has been no substantive opportunity for influencing either.

For example the RFP for the building predetermines that it will have 220m² of space for operation and management for the oval but only 62 m² of public space. The entire focus of the building is to support the Oval for its 2-3 month season and yet if more time was taken for a better consultative process the building design could be improved to meet potential uses for the other 9-10 months of the year. This is also true of the landscape design.

The 1994 Halifax Common Plan formally adopted by the Halifax City Council still stands and was clearly about not allowing any more building on the Common and yet HRM is just carrying on with its own agenda.

Beginning in 2006 with the advent of the concerts on the Common much of the North Common has been fenced off, damaged and unavailable. In 2010 HRM

Staff held a public information session about a temporary oval in the southwest corner of the North Common and the promise of \$2.7 million in improvements to the North Common. Now we have a permanent Emera Oval in the southeast corner, with a large garage and pile of dirt in the centre, seasonal trailers *but no improvements to the North Common are evident*. The Emera Oval is definitely a popular destination but prioritizing it has again meant large portions of the North Common have been fenced off, damaged, driven over, parked on, built on (“temporary” Zamboni garage & permanently unattractive compressor facility) and had the aesthetics of a construction zone.

In 2011 Friends of Halifax Common made a presentation to HRM Community Council to draw attention that there was no consultation with the public on where the location of a permanent Oval should be. Our suggestion was to put it on the Central Common where the waste heat (enough for 140 homes) could be captured and used to heat some of the adjacent facilities (Citadel High, the NS Museum of Natural History, the Halifax Infirmary or the CBC). Similarly DSRA EnVision, a Halifax-based architectural firm, expressed interest in finding another location such as the Wanderer’s Grounds, for a number of well-founded reasons as basic as the North Common being to exposed, but HRM staff did not engage.

The rushed and top-down decisions by HRM staff regarding the Halifax Common continue to undermine real opportunities for making the best long-term decisions about the future of the Halifax Common, which now has less than 1/3 remaining as public open space.

The Emera Oval may be exciting but its season is short. Shifting weather patterns associated with climate change and rising energy costs give us no assurance that it will be sustainable as a long-term facility. More care needs to be taken before any more of the Halifax Common is built on. Please request that HRM conduct a real public consultation on the landscape and building design and prioritize the entire Common and its users.

Yours truly,

Peggy Cameron
Co-chair, Friends of Halifax Common