

**CHEBUCTO COMMUNITY COUNCIL
MINUTES**

March 1, 2010

PRESENT:

Councillor Russell Walker, Chair
Councillor Debbie Hum, Vice Chair
Councillor Stephen Adams
Councillor Linda Mosher
Councillor Mary Wile
Mayor Peter Kelly
Councillor Reg Rankin
Councillor Jerry Blumenthal
Councillor Barry Dalrymple
Councillor Gloria McCluskey
Councillor Tim Outhit

STAFF:

Ms. Kirby Grant, Solicitor
Mr. Wayne Anstey, Deputy Chief Administrative Officer
Ms. Cathy Mellett, Acting Municipal Clerk
Ms. Shawnee Gregory, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 6:33 p.m. at Halifax West High School.

Councillor Walker welcomed the Councillors of the District Boundary Review Committee to Chebucto Community Council and turned the meeting over to Mayor Kelly.

2. DISTRICT BOUNDARY REVIEW COMMITTEE PRESENTATION

- The District Boundary Review presentation was before Community Council.

Mayor Kelly introduced the District Boundary Review presentation and advised that a public question and answer session would follow.

An audio visual presentation was provided.

Mayor Kelly opened the floor to comments and questions from the public and advised that the session was being taped and that all comments would be brought to Regional Council.

Ms. Pat Kidd, Fairview, requested the typical amount of queries and comments that each Councillor receives from their residents per week as this would give her a better idea of how Councillors could handle a change in their District boundaries.

Mayor Kelly advised that the number would vary in each District, however, it was probably approximately 100 contacts per week, however, that number also depended on what situations and events were occurring in the District.

Ms. Kidd indicated that, to her knowledge, Vancouver operated with only six Councillors and that, in HRM, nine would be her ideal amount, however, she could tolerate up to 11. She stated that HRM had good staff and noted that, since amalgamation in 1996, there had been a District versus District mentality in the municipality. She noted that if District boundaries were broken down, people would reach out to the needs and wants of urban, suburban and rural residents. Ms. Kidd indicated that she had moved to Nova Scotia, by choice, in 1974 and noticed the quality of the residents right away, however, if the HRM boundaries remained the same these residents would dig in their heels and continue the District rivalries. She stated that she could see someone with the energy of Councillor Hum or Councillor McCluskey being capable of taking on a larger District.

Mayor Kelly stated that, in HRM, there were 21 MLAs who also represented all parts of the municipality and noted that if Regional Council decided to go below that amount it would be the only area with less municipal than provincial representation. He requested Ms. Kidd's opinion on this fact.

Ms. Kidd stated that there may be an over abundance of MLAs as well. She stated that while she liked the idea of having many different points of view, after a while people began repeating themselves.

Ms. Mary Ann McGrath, Kearney Lake, stated that to have the same boundaries as MLAs, HRM and the Province would have to conduct their boundary reviews at the same time. She noted that, having been an MLA herself, it would be a goal to strive for, however, it was not going to happen. Ms. McGrath stated that it was premature at this stage of the Boundary Review to be asking questions regarding a potential change to the size of Council as there were so many variables to consider when considering an answer; such as what support would be given to Councillors to aid them with the additional work. She indicated that HRM was a community of communities and requested that Council preserve those communities; noting that many people did not realize that areas such as Kearney Lake, Rockingham and Birch Cove were their own communities and not part of Clayton Park or Bedford. Ms. McGrath urged Council to make this a principle concern. She stated that breaking down boundaries was important, however, the other aspect could sever communities, like hers, from its historic ties to the old City of Halifax. Ms. McGrath noted that severing boundaries could also serve to not give residents the best representation as if the size of Council was reduced staff would have to figure out how to provide more services to the remaining Councillors. In closing, Ms. McGrath suggested that Community Councils could be realigned to fit within similar community issues.

Mr. Nick Pryce, Dartmouth, stated that he had a real interest in governance and thought this was an exciting opportunity. He noted, however, that there was a lot of cynicism out there regarding the District Boundary Review as friends and colleagues had told him that Council had undertaken a similar review before and had not accepted the staff report in the end. Mr. Pryce stated that, with regards to understanding the process, there had been no real discussion on the fiscal part of the review and what the cost would be for each different scenario. In closing, he noted that governance was a complex issue and Council needed to fully explore this large subject.

Mayor Kelly advised that the District Boundary Review Committee was mandated to come forward with a report to Council which would then be forwarded to the Nova Scotia Utility and Review Board who have the ultimate decision making authority and who would also be hosting public information meetings and public hearings on the subject. He stated that cost was part of phase two of the process.

Ms. Kelly Greenwood, Clayton Park West, stated that boundaries were a big issue and that she supported fewer Districts in HRM. She noted that it was important to look at the role of Council and Councillors in order to come up with clear guidelines and expectations as some Councillors had different styles than others.

Mr. Brennan Dryden, Terrence Bay, expressed concern regarding the rationale of what criteria would be used to create these boundaries and requested to know how they had been established.

Mayor Kelly advised that the last boundary review, led by Commissioner Bill Hayward, had taken place in 1996 and that it was now time again for HRM to readdress this governance piece.

Mr. Dryden stated that it was premature to consider new numbers of Councillors if residents did not know what the criteria was for the boundaries. He noted that he would like to see Districts comprised of residents with similar incomes and service requirements as the lower income residents in his District of Terrence Bay were outnumbered by the wealthy. He requested that Council change the boundaries in a positive way.

Ms. Joy Wolfry, Purcell's Cove, requested to know if there had been or will be an evaluation of amalgamation.

Mayor Kelly indicated that this was not part of the Committee's mandate and that HRM was created by the Province in 1996 and the District Boundary Review was working under the aspect that the Municipality was one. He stated that the Province would have to decide if they believed amalgamation was an issue they would like to explore.

Ms. Wolfry stated that it seemed to her that amalgamation was an issue and that changing boundaries may not be the solution. She suggested a Council containing Councillors at Large who could represent HRM as a whole. She noted that Toronto had a Board of Controllers for 65 years who ensured that city wide issues were brought to the table.

Mayor Kelly handed the meeting back to the Chair and the members of the District Boundary Review Committee left the meeting.

3. APPROVAL OF MINUTES - February 1, 2010

Amendments:

Item 4.1.1 - after *any future applications* the following will be added: *coming forward on rate of transmission lands and any Development Agreements nearby*

Item 4.1.3 - *non included road* will be replaced with *non accepted street*

Councillor Mosher requested that it be noted that: *Mr. Ivan Zinck, Work Supervisor of Streets - West, repaired the road with approximately 8 to 10 tonnes of gravel.*

After which had been annexed the following will be added: *and maintained by the former City of Halifax and HRM ever since*

Item 8.2.1 - Councillor Hum requested that her remarks be included at the end of page 5 as follows: *Councillor Hum expressed concern that the McInnis family, who live on the abutting property, did not receive the Appeal notice; noting that she had spoken to the Solicitor and there was, unfortunately, no options available for them*

MOVED by Councillor Mosher, seconded by Councillor Wile, that the minutes of February 1, 2010 be approved as amended. MOTION PUT AND PASSED.

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

Additions:

13.1 Plow damage - Councillor Adams

13.2 North West Arm Seawall - Councillor Mosher

MOVED BY Councillor Wile, seconded by Councillor Hum, that the agenda be approved as amended. MOTION PUT AND PASSED.

5. BUSINESS ARISING OUT OF THE MINUTES

5.1 Status Sheet Items

5.1.1 75 Rockingstone Road Re: Sidewalk

Councillor Adams indicated that he had received no further information regarding this matter and requested an update from staff. He requested that this item remain on the Status Sheet.

5.1.2 Keefe Drive - Emergency Concerns Due to Road Condition and Lack of Seawall

Councillor Mosher requested that this item remain on the Status Sheet; noting that it could be removed if a report regarding the matter went to Regional Council first.

5.1.3 HRM Corporate Call Centre 490-4000 - Resident Concerns

The Chair indicated that a report on this matter was forthcoming.

Councillor Mosher requested that this item remain on the Status Sheet.

6. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RECISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - NONE

8. HEARINGS

9.1 Public Hearings

9.1.1 Case 01317: Amending Stage I and II Development Agreements - Home Depot, Halifax

- A report dated November 13, 2009 was before Community Council.
- Correspondence dated February 17, 2010 from Mr. Richard Bray, Senior Director of Real Estate for Eastern Canada with Sun Life Financial was submitted.

Ms. Patricia Hughes, Western Region Planner, provided the presentation on Case 01317: Amending Stage I and II Development Agreements - Home Depot, Halifax. Highlights were as follows:

- The proposal would allow outdoor displays along the front and side of the Home Depot building by the garden centre
- The proposal would allow outdoor storage of assembled items and supplies for immediate sale as well as a propane exchange
- There are no policies in the Municipal Planning Strategy (MPS) regarding outdoor storage in particular
- Based on the topography of the site, the existing storage in the back of the building would not be seen from Lacewood Drive

The Chair reviewed the Rules of Procedure for Public Hearings and called for those wishing to speak for or against Case 01317: Amending Stage I and II Development Agreements - Home Depot, Halifax.

Ms. Wendy MacDonald, Clayton Park, requested clarification on the easement as it was her understanding that it meant something was buried underground. She stated that the area was currently being used a public thoroughfare for those going to Solutions Drive and she wondered what barriers may be placed along that informal passage.

Ms. Hughes indicated that there were Halifax Water Commission pipes underground, therefore, nothing permanent would be allowed in the easement area though some temporary storage would be placed by the property line. Regarding the informal thoroughfare, she stated that this was private property and there was a loading bay in the area; noting that she was unaware that people had been walking there. Ms. Hughes advised that the Engineering Department had reviewed the document and nothing would be allowed over manholes in the amendments.

Ms. MacDonald wondered if there had been any discussion on fencing or a barrier as the area was currently unsightly and was located in Clayton Park's gateway to the city.

Ms. Hughes noted that this had been discussed, however, would be difficult to install due to the embankment.

Mr. Nick Bryce, Terrain Group, invited the public and Councillors to direct any questions regarding the amendments to him.

The Chair called three times for additional speakers. Hearing none, the following motion was placed:

MOVED BY Councillor Adams, seconded by Councillor Mosher, that the public hearing be closed. MOTION PUT AND PASSED.

Regarding the submitted correspondence, Ms. Hughes noted that the items Mr. Bray was referring to involved Phase 2 and, therefore, she would address these concerns in her supplementary report.

MOVED BY Councillor Wile, seconded by Councillor Mosher, that Chebucto Community Council:

- 1. Approve the Stage I Amending Agreement as shown in Attachment "A" of the report dated November 13, 2009;**
- 2. Require the agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

8.2 Variance Appeal Hearings

8.2.1 Appeal of the Development Officer's Decision to Approve an Application for a Variance - 25 Kirk Road, Halifax

- A report dated February 19, 2010 was before Community Council.

Ms. Erin MacIntyre, Development Technician, provided the presentation on the Appeal of the Development Officer's Decision to Approve an Application for a Variance - 25 Kirk Road, Halifax. Highlights were as follows:

- The variance was to permit an addition to a single family dwelling under the Halifax Mainland Land Use By-Law (MLUB)
- The house currently sat at a 2.9 setback from the property line and the application proposed to fill in the front and rear of the house in order to square up the footprint, however, as the house is angled it was impossible to do so without a variance
- The proposed variance does not go against the intent of the MLUB
- This was a unique situation and there was no intentional disregard for the By-Laws

The Chair reviewed the Rules of Procedure for Variance Appeal Hearings and called for those wishing to speak for or against the Appeal of the Development Officer's Decision to Approve an Application for a Variance - 25 Kirk Road, Halifax.

Mr. Emanuel Jannasch, Appellant, provided a powerpoint presentation. He stated that the variance application before Community Council was new to him as he had only received the site plan in the mail and, therefore, was responding as best he could. He noted that the plan was not complete as it was only the survey plan and added that upon looking at the driveway leading to lot 25 it was clear that the driveway was already four feet on to his property. Mr. Jannasch indicated that the application before Community Council was no better than the site plan; noting that the elevations were not really being squared up which spoke to the overall quality of the original application. He stated that the application indicated that it was impossible to conform, however, he

would submit that the applicants could conform by not building and further intruding onto his property. He noted that the application stated that the property sloped considerably on the remaining three sides, however, this was not the case as he found the land on the opposite side of the house to be quite level; noting that it would not be an issue to add on to the home from that side. Mr. Jannasch indicated that the MLUB called for a setback of eight feet in order to allow for light and privacy; noting that the addition to the home would ruin his lilac bush by blocking the light. In closing, he advised that he had issues with the application on many levels.

Councillor Hum requested, for the record, confirmation on the process; that the variance application came first and, if granted, a construction permit would be issued by HRM.

Ms. MacIntyre indicated that Councillor Hum was correct and that planning staff does suggest that applicants provide development or construction permits prior to the construction permit phase to make the process easier, however, applicants are not obliged to do so. She stated that the building code was reviewed at the construction permit phase. Ms. MacIntyre also indicated that the HRM requirements were a bit stricter than those of the former City of Halifax and in an older neighbourhood such as the one in question there were often non conforming setbacks. She noted that she had completed a site visit and that the property did, indeed, slope steeply.

Mr. Roeland Leenes, Architect for the Applicant, provided a powerpoint presentation and submitted a copy for the record. He advised Community Council that the Applicant's father had passed away the week prior and she was in England attending the funeral, however, her daughter was also present to speak on her behalf. Mr. Leenes indicated that an addition had been built on to the small cottage in question approximately 25 years ago and was built closer to the property line than the original structure which met the conforming set back of eight feet; noting that this fact made it like working with two different houses. He stated that the addition was not in keeping with the architectural form of the house and the Applicant wished to make this property their retirement home, therefore, changes were required to enlarge the old cottage to permit a family home and maintain the curb appeal of the residence. Mr. Leenes indicated that upon walking through the neighbourhood, it was apparent that the homes seemed to be placed at random and, generally speaking, the houses were large and architectural styles varied greatly. He advised that he wished to beautify this home on all sides by filling in corners; noting that this renovation would be logical and cost effective.

Ms. Carter, daughter of the Applicant, spoke on her parents' behalf. She stated that they liked this residence as it was a small, English cottage and the addition would be to make the home more livable for a family of six. Ms. Carter stated that she appreciated the general concern, however, this would be a modest addition as she and her parents were aware of the concerns with bigger additions in the neighbourhood. She indicated that she believed the driveway issue was a separate concern and was sure her parents would be willing to discuss this as they did not want to encroach; noting that they had just bought the home in August of 2009 and only had a driveway made of gravel.

Ms. MacIntyre clarified that only the backyard left corner addition that would be set ahead by 1.3 feet was being discussed as the front addition did not encroach further than the existing 2.9 feet; noting that this existing non conforming setback was not unique and she believed it was a minimal change.

The Chair called three times for additional speakers. Hearing none, the following motion was placed:

MOVED BY Councillor Adams, seconded by Councillor Wile, that the Variance Appeal Hearing be closed. MOTION PUT AND PASSED.

MOVED BY Councillor Mosher, seconded by Councillor Adams, that Chebucto Community Council uphold the Development Officer's decision to approve the variance.

Councillor Mosher stated, for the record, that this was a difficult decision as it involved two residents which she represented. She advised that she had grown up in the area and that it was a very eclectic neighbourhood; noting that she knew that larger houses were being built and encroaching, however, she did not think that was the case here. She noted that the current home would be more aesthetically pleasing once the renovation was complete. In closing, Councillor Mosher stated that she understood the Appellant's concerns, however, in the end she thought it would be best to uphold the Development Officer's decision.

MOTION PUT AND PASSED.

10. CORRESPONDENCE, PETITIONS AND PRESENTATIONS

10.1 Correspondence - None

10.2 Petitions - None

10.3 Presentations - None

11. REPORTS

11.1 Staff

11.1.1 Case 01359: Rezoning - 7 and 11 Mont Street, Halifax

- A report dated February 1, 2010 was before Community Council.

MOVED BY Councillor Adams, seconded by Councillor Mosher, that Chebucto Community Council give First Reading of the proposed rezoning of 7 and 11 Mont Street, Halifax, from the R-2P (General Residential) Zone to the P (Park and Institutional) Zone, as identified in Attachment A of the report dated February 1, 2010 and schedule a public hearing for April 12, 2010. MOTION PUT AND PASSED.

Councillor Mosher stated, for the record, that there had been an oversight as she had not been invited to the Public Information Meeting.

11.1.2 Case 01205: MPS and LUB Amendment for a Development Agreement - 50 Bedford Highway, Halifax

- A report dated February 4, 2010 was before Community Council.

Ms. Randa Wheaton, Senior Planner, provided the presentation on Case 01205: MPS and LUB Amendment for a Development Agreement - 50 Bedford Highway, Halifax. She stated that the amendment allowed for a mixed use residential and commercial space on the property currently occupied by the Basinview Hotel. She noted that the proponent was Basin Vista Developments Limited and that the building height and density had been capped. Ms. Wheaton indicated that the proposed mixed use building worked with the site topography and would share a driveway with the car dealership next door. In closing, she advised that the driveway intersection and traffic lights would be installed by the Developer.

Ms. Wheaton indicated that the left hand signal had been reviewed by the Traffic Authority and they had deemed it acceptable; noting that it would be a semi actuated left turn signal.

Councillor Hum clarified that the only Public Information Meeting (PIM) regarding this case had been held in April of 2009 and expressed concern that many residents who lived behind the proposed development had not been contacted even though they would be impacted. She wondered if there was an opportunity to hold an additional PIM regarding this case prior to the Public Hearing.

Ms. Wheaton advised that staff had followed the standard procedures as with all other applications and had, therefore, only notified the property owners although notices had been put in the local newspapers. She noted that it was not common place to hold additional PIMs unless requested by Council and the same residents would be notified unless it was requested that staff enlarge the notification area. Ms. Wheaton indicated that notice was always provided on the HRM website as well.

Councillor Hum requested the Developer's consideration of holding a PIM in the neighbourhood for those residents who could not easily access City Hall for the Public Hearing.

Ms. Wheaton stated that, as the report dated February 4, 2010 was now public, if a PIM was held none of the new comments could be included in the report.

Councillor Hum indicated that she would do her best to get the word out and have residents send letters for the Public Hearing. She advised, for the record, that she would be away from April 7 to 17, 2010 and requested that the Public Hearing not be scheduled during that time.

MOVED BY Councillor Hum, seconded by Councillor Adams, that Chebucto Community Council move Notice of Motion to consider approval of the proposed Development Agreement contained in Attachment B of the report dated February 4, 2010 to allow for a mixed use building, and schedule a joint public hearing with Regional Council. MOTION PUT AND PASSED.

11.2 Councillors

11.2.1 Nova Scotia Power Outages - Councillor Hum

Councillor Hum advised that the residents on Grid 129H-412 were experiencing a large number of power outages and had been advised by NSP staff this was a result of the draw on power.

MOVED BY Councillor Hum, seconded by Councillor Wile, that Chebucto Community Council request that Nova Scotia Power provide a report to Community Council as to why the residents on Grid 129H-412 are experiencing a large number of power outages. MOTION PUT AND PASSED

12. MOTIONS - NONE

13. ADDED ITEMS

13.1 Plow damage - Councillor Adams

Councillor Adams noted that one of his resident's in Spryfield had their son's basketball net damaged by a plow, however, the resident had been told that HRM was not liable as the basketball net was in the right of way. Councillor Adams stated that it was his understanding that HRM did not plow right of ways beyond the curb and requested staff clarification on this issue.

MOVED BY Councillor Adams, seconded by Councillor Mosher, that Chebucto Community Council request information regarding HRM plowing right of ways beyond the curb and HRM's responsibility if a resident's property is damaged by plowing in the right of way. MOTION PUT AND PASSED.

13.2 North West Arm Seawall - Councillor Mosher

Councillor Mosher stated that she realized that the sealevel study was ongoing, however, the North West Arm Seawall was becoming more damaged with every storm. She noted that it was no longer safe and that it was her understanding that there was funding allotted for repair.

MOVED BY Councillor Mosher, seconded by Councillor Adams, that Chebucto Community Council request a staff update on the remedial work on the North West Arm Seawall, particularly at Sir Sanford Fleming Park and Regatta Point, regarding what will be done to prevent further deterioration as funding has already been approved in previous years. MOTION PUT AND PASSED.

14. NOTICES OF MOTION - NONE

15. PUBLIC PARTICIPATION

Ms. Mary Ann McGrath, Kearney Lake, expressed concern regarding the condition of the ditches in the Kearney Lake area; noting that on February 28, 2010 the ditches had overflowed. She stated that the ditches had not been cleared for years and that winter storms and beaver dams were making conditions much worse; noting that if the overflowing ditch water was to freeze it would create unsafe road conditions.

MOVED BY Councillor Hum, seconded by Councillor Adams, that Chebucto Community Council send resident concerns regarding ditches not being cleared regularly and beaver dam issues in Kearney Lake to the appropriate staff at the Halifax Water Commission. MOTION PUT AND PASSED.

Ms. Wendy MacDonald, Clayton Park, expressed concern regarding Case 01205: MPS and LUB Amendment for a Development Agreement - 50 Bedford Highway, Halifax; noting that she did not understand why a PIM had been held when the concerns brought forward by residents had not been included in the new plans. She stated that Councillor Hum had requested active transportation planning on the new site to allow accessibility to the adjoining streets, however, Ms. MacDonald did not believe that Schedule G of the report dated February 4, 2010 provided sufficient walking access to the site. She noted that pedestrians and students attempting to access Mount Saint Vincent University needed to be taken into account.

The Chair advised Ms. MacDonald that she was welcome to put her comments in writing for the Public Hearing and that the content of the Development Agreement was only tentative at this time.

Councillor Hum confirmed that Ms. MacDonald had brought these issues forward at the PIM in April of 2009 and encouraged her to forward her concerns to Council in writing if she could not attend the Public Hearing. Councillor Hum requested that Ms. MacDonald's comments be directed to staff.

16. NEXT MEETING DATE

The next meeting was scheduled for Monday, April 12, 2010 at 7:00 p.m.

17. ADJOURNMENT

The meeting was adjourned at 8:49 p.m.

Shawnee Gregory
Legislative Assistant