



**HARBOUR EAST COMMUNITY COUNCIL
MINUTES
March 3, 2016**

PRESENT: Councillor Lorelei Nicoll, Chair
Councillor David Hendsbee
Councillor Tony Mancini
Councillor Gloria McCluskey

REGRETS: Councillor Bill Karsten, Vice Chair

STAFF: Ms. Roxanne Maclaurin, Solicitor
Ms. Cathy Collett, Legislative Assistant

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

The agenda, supporting documents, and information items circulated to Harbor East Community Council are available online: <http://www.halifax.ca/Commcoun/east/index.php>

The meeting was called to order at 6:04 p.m. and adjourned at 7:51 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 6:04 p.m.

2. APPROVAL OF MINUTES – February 4, 2016

MOVED by Councillor McCluskey, seconded by Councillor Hendsbee

THAT the minutes of February 4, 2016 be approved as presented.

MOTION PUT AND PASSED.

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

MOVED by Councillor McCluskey, seconded by Councillor Mancini

THAT item 10.1.1 - Case 19659 Text Amendment to the Dartmouth LUB – R2 (Two-Family Residential) Zone be deferred to the April 7, 2016 meeting of Harbour East-Marine Drive and that residents in the two areas in District 5 affected by the proposed amendment be notified of the Public Hearing.

Mr. Ben Sivak, Planner, responded that properties within 200 feet of the property were notified, as required. He questioned how widespread the Community Council would like the notification area to be.

Community Council members commented that that it should not just be the properties immediately impacted by the potential changes, but also the surrounding properties that may be affected.

MOTION PUT AND PASSED.

MOVED by Councillor McCluskey, seconded by Councillor Mancini

THAT the agenda be approved as amended

Two-third majority vote required

MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 MOTION re: Shore Active Transportation Association presentation from February 4, 2016 meeting.

MOVED by Councillor Hendsbee, seconded by Councillor McCluskey

THAT the Harbour East-Marine Drive Community Council request a Staff Report regarding the Shore Active Transportation Association presentation from the February 4, 2016 meeting of Harbour East-Marine Drive Community Council.

MOTION PUT AND PASSED.

5. CALL FOR DECLARATION OF CONFLICT OF INTERESTS

Councillor Mancini recused himself from consideration of item 15.1.1 – In Camera – Citizen Appointments to the Shubenacadie Canal Commission.

6. MOTIONS OF RECONSIDERATION – NONE

7. MOTIONS OF RESCISSION – NONE

8. CONSIDERATION OF DEFERRED BUSINESS – NONE

9. NOTICES OF TABLED MATTERS – NONE

10. HEARINGS

10.1 PUBLIC HEARINGS

10.1.1 Case 19659: Text Amendment to the Dartmouth LUB – R2 (Two Family Residential) Zone

This item was deferred to April 7, 2016 during the setting of the agenda.

10.1.2 Case 20068 Development Agreement, 1, 3, & 5 Cumberland Drive, Cole Harbour

The Chair invited staff to give a presentation regarding Case 20068 – Development Agreement, 1, 3, & 5 Cumberland Drive, Cole Harbour.

Ms. Jillian MacLellan, Planner, addressed the Community Council and provided a brief presentation regarding Case 20068, explaining that the proposed changes to the Development Agreement would make it possible for the establishment at this location to apply to the Province for a lounge license, provided that all three included properties agree to the Development Agreement.

Ms. MacLellan responded to questions of clarification from Community Council members regarding the hours of operation and capacity.

The Chair invited the applicant, Mr. Chris Smith, to address the Community Council.

Mr. Chris Smith, owner of Jamieson's in Cole Harbour, explained that Jamieson's was the first establishment of its kind in the area, and that while several more have opened in the area during the seventeen years that they have been in business, Jamieson's is the only one without a lounge license because the current Development Agreement does not permit one. Mr. Smith commented that this makes them less competitive and that the proposed changes to the Development Agreement would make it possible to apply for a lounge license, which would allow the establishment to continue serving the community, while adding the opportunity for patrons to listen to music while having a few drinks without the requirement of ordering food.

Responding to questions of clarification from Community Council members, Mr. Smith explained that he has no intention of operating as a lounge, as opposed to a pub, but that attaining the lounge license is the process by which he would be able to operate as a traditional pub.

The Chair opened the public hearing, outlined the rules for speakers, and invited any member of the public who would like to speak on Case 20068 to come forward.

Mr. Bob Angus, community member, commented that he lives near to Jamieson's and hopes that if the establishment does obtain a lounge license it will not result in loud music and late hours.

Ms. Holly Bond, community member, commented that Jamieson's promotes a community feeling and that the atmosphere is always focused on fostering a social space, not in providing loud music. She outlined a

number of ways in which Mr. Chris Smith gives back to the community and remarked that the establishment provides not just a local place for good food, but also a space for community development. She expressed that she is in favour of the proposed changes to the Development Agreement.

The Chair called three times for speakers, there being none it was

MOVED by Councillor McCuskey, seconded by Councillor Hendsbee

THAT the Public Hearing be closed.

MOTION PUT AND PASSED.

The Chair invited the applicant to respond.

Mr. Smith commented that he has no intentions of operating Jamieson's like a night club and that the proposed Development Agreement changes might lead to the establishment being kept open an hour later than it already is, and that whenever music is performed, it is always at a volume that allows for conversation to be heard.

Ms. MacLellan commented that the establishment would still need to be in compliance with noise by-laws and that the traffic study undertaken for the proposed changes to the Development Agreement indicated that no net change to traffic would take place.

MOVED by Councillor McCluskey, seconded by Councillor Mancini

THAT Harbour East-Marine Drive Community Council:

- 1. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A of this report, to enable a lounge use at 1-5 Cumberland Drive, Cole Harbour; and**
- 2. Require that the proposed development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, 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.

10.1.3 Case 20225: Rezoning – Kenyatta Drive, Eastern Passage

Mr. Ben Sivak, Planner, provided a brief presentation to the Community Council regarding Case 20225, explaining that during the Policy Review it was determined that the rezoning is considered under the abutting designation policy and is consistent with the "grandfathered" interpretation of the urban service boundary and is an efficient use of existing infrastructure.

The Chair invited the applicant to address the Community Council.

Ms. Jill Comstock-Smith, applicant, explained that she is one of four partners on this project and that, as a small business, they are reaching out and hoping that this small change will be approved so that they can continue with the process into which they have already invested a great deal.

Ms. Comstock-Smith responded to questions of clarification from Community Council members regarding the subject of dedicated parkland.

The Chair called three times for members of the public to come forward and speak on the matter. There being none, it was

MOVED by Councillor McCluskey, seconded by Councillor Hendsbee

THAT the Public Hearing be closed.

MOTION PUT AND PASSED.

MOVED by Councillor Hendsbee, seconded by Councillor McCluskey

THAT Harbour East-Marine Drive Community Council approve the proposed rezoning, as contained in Attachment A of this report, to rezone land on Kenyatta Drive, Eastern Passage, from RA (Rural) to R-1 (Single Unit Dwelling).

MOTION PUT AND PASSED.

10.1.4 Case 20174: Development agreement amendment – northwest corner of Ochterloney Street and Victoria Road, Dartmouth.

Mr. Ben Sivak, Planner, gave a brief presentation to the Community Council regarding case 20174, emphasizing that the matter for consideration is strictly the design elements of the development agreement, not the development in general. He explained that there will be no changes in the proposed height or density and that the two-storey street wall will remain, with the changes being minor adjustments to the design and setbacks on the upper floors.

The Chair invited the applicant to address the Community Council. The applicant declined and it was then

MOVED by Councillor McCluskey, seconded by Councillor Mancini

THAT the Public Hearing be closed.

MOTION PUT AND PASSED.

MOVED by Councillor McCluskey, seconded by Councillor Mancini

THAT Harbour East-Marine Drive

- 1. Approve the proposed amending development agreement for the development located on northwest corner of Ochterloney Street and Victoria Road in Dartmouth, as contained in Attachment A of this report and**
- 2. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, which is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED

10.2 VARIANCE APPEAL HEARINGS - NONE

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

The Legislative Assistant informed the Community Council that correspondence was received for

Item 10.1.2 – Case 20068 from: Tammy and Andrew Walker, Monique and David Roberts, Karen Ozon, Ken Conway, Colin MacEachern, Jim and Sandra Lambie, Lorie Collins, Brad Reid, Jill and Nico Manos, Jamie Tingley, Patricia Auchnie, Mallory Nichols, Matthew Dempsey, and Shauna MacLean

Case 19800, which has not yet come before the Community Council, from: Witold Lemczyk, Ryan Arnold, Keith Small, Paul Losier, Nathan and Barb Procter, John Withrow, Richard Buggeln, Jason Crockett, Pierre and Kathy Dubreuil, Devon Arnold, Ann Marie Neuman, Maurice Mury, Gunter and Donna Reindorf, Wilma and Leon Myers, Tryphina Walker, Bruce Nedved, Anthony and Jean Hillman, Roger Smith, and Corrina and Gordon Dick.

This Correspondence was distributed to members of Community Council.

The Legislative Assistant noted that a number of items of correspondence regarding Case 19800 has previously been distributed to members of Harbour-East Marine Drive Community Council.

11.2 Petitions - None

11.3 Presentations - None

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.2 BOARD & COMMITTEE

13.3 MEMBERS OF COMMUNITY COUNCIL

14. MOTIONS

15. IN CAMERA (IN PRIVATE)

15.1 Personnel Matter

In keeping with the Public Appointment Policy adopted by Regional Council in August 200, to be found at <http://www.halifax.ca/boardscom/documents/Citizenrecruitmentpolicy.pdf>.

15.1.1 Citizen Appointments – Shubenacadie Canal Commission

This item was deferred until after Public Participation

16. ADDED ITEMS

17. NOTICES OF MOTION

18. PUBLIC PARTICIPATION

Mr. Bill Mills, Dartmouth, President of the Dartmouth Performing Arts Society, commented that the group has two missions: to encourage, support and facilitate performing arts in Dartmouth and to find and establish a first-class theatre in Dartmouth. He explained that the group is currently looking at the auditorium at Prince Andrew High School. He noted that this auditorium is mostly unused, seats approximately the same number of people as the Rebecca Cohen, and has a full stage and orchestra pit. The society would manage and operate the facility as an ongoing theatre that would be complimentary to the Alderney theatre. Mr. Mills requested that the Harbour East-Marine Drive Community Council write a letter of support, either as a Community Council or as individual Councillors.

Mr. Doyle Safire, resident, commented on the absence of public consultation with regards to Case #18166 regarding the development of a new telecommunication tower policy that is going to Regional Council on March 8. He expressed concern that this policy would mean the power of elected officials would be delegated to a staff member and would not be open and transparent. He suggested that a second option might be to revert an amendment to the Municipalities Act and have authority resort back to the Province.

Mr. Tom Austin, Three Fathoms Harbour, expressed concern with the proposed telecommunication tower in three Fathoms Harbour and commented that the new Administrative Order will take the authority away from Council for the placement for communications towers. He explained that he uncomfortable that the planning tools will be in the hands of the planners, not the elected officials and commented that the plan is outdated and no longer relevant. He concluded by stating that the future of the Province is in tourism and that this requires unspoiled views.

Mr. Colin May, Dartmouth, indicated that he would like to correct the wrongful assertion he made at the last meeting of the Harbour East-Marine Drive Community Council re: performance based pay. He explained that he was actually thinking about non-union compensation. He noted that the final decision on non-union compensation should be made by Council, not the CAO, and should go through the Audit and Finance Committee. Mr. May commented on the unnecessary amount of Halifax branding on local signs.

Warren Wesson, Woodside, commented that he is pleased that Regional Council passed the motion requesting a staff report regarding Dartmouth signage and expressed hope that it is a "courageous" report. He commented on communication he had read regarding the misspelling of the Findlay Park sign and indicated that he does not believe it was a typographical error.

19. DATE OF NEXT MEETING – April 7, 2016 – Harbour East-Marine Drive Community Council Meeting Space, Alderney Landing, Dartmouth.

MOVED by Councillor McCluskey, seconded by Councillor Mancini

THAT the Harbour East-Marine Drive Community Council move In Camera (In Private)

MOTION PUT AND PASSED. (7:40 p.m.)

The Harbour East-Marine Drive Community Council resumed the public session at 7:46 p.m. to ratify the motion from the In Camera (In Private) meeting.

15.1.1 Citizen Appointment Shubenacadie Canal Commission

MOVED by Councillor McCluskey, seconded by Councillor Hendsbee

THAT Harbour East-Marine Drive:

- 1) Proceed to appoint one citizen to the Shubenacadie Canal Commission for a term to November, 2017.**
- 2) It is further recommended that the citizen appointment be released to the public following ratification and notification of the successful candidate.**

MOTION PUT AND PASSED.

20. ADJOURNMENT

The meeting adjourned at 7:51 p.m.

**Harbour East-Marine Drive Community Council Minutes
March 3, 2016**

Cathy Collett
Legislative Assistant