

**HARBOUR EAST COMMUNITY COUNCIL
MINUTES
November 3, 2005**

PRESENT:

Councillor Jim Smith, Chair
Councillor Gloria McCluskey
Councillor Andrew Younger
Councillor Becky Kent
Councillor Harry McInroy
Councillor Bill Karsten

STAFF:

Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Sherryl Murphy, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 6:36 p.m.

2. ELECTION OF CHAIR AND VICE-CHAIR

Councillor McInroy advised Community Council and members of the public that the Clerk would be conducting the Election of Chair and thanked his colleagues for having had the privilege and opportunity to be the Chair for the past year. Councillor McInroy took a seat in Community Council.

The Clerk called for nominations for the position of Chair.

MOVED by Councillor McInroy, seconded by Councillor Kent that Councillor Smith be nominated for Chair of the Harbour East Community Council.

The Clerk called for further nominations for the position of Chair.

MOVED by Councillor Younger, seconded by Councillor McCluskey that nominations cease. MOTION PUT AND PASSED UNANIMOUSLY.

The Clerk called for the vote on the nomination and the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

The Clerk declared Councillor Smith Chair of the Harbour East Community Council. Councillor Smith took his seat as Chair.

The Chair called for nominations for the position of Vice-Chair for the Harbour East Community Council.

MOVED by Councillor McCluskey, seconded by Councillor Younger that Councillor Kent be nominated for Vice-Chair for the Harbour East Community Council.

The Chair called for further nominations for the position of Vice-Chair.

MOVED by Councillor McInroy, seconded by Councillor Karsten that nominations cease. MOTION PUT AND PASSED UNANIMOUSLY.

The Chair called for the vote on the nomination and the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

The Chair declared Councillor Kent Vice-Chair and welcomed her as Vice-Chair.

3. APPROVAL OF MINUTES

MOVED by Councillor Kent, seconded by Councillor Karsten that the minutes of the October 6, 2005 meeting of Harbour East Community Council, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions:

10.3.2 Presentation - Library Board - Judith Hare

Community Council agreed to consider this matter immediately following the approval of the agenda.

Information Item:

- Update: Requested Revisions to the Downtown Neighbourhood Zone in Downtown Dartmouth

MOVED by Councillor McInroy, seconded by Councillor Karsten that the agenda, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.2 Presentation - Library Board - Judith Hare

Ms. Judith Hare, Chief Executive Officer, addressed Community Council referring to the information package distributed this evening, noted that it contained facts sheets on each of the library branches within the Harbour East Community Council area.

Ms. Hare then reviewed the branches including the following key highlights:

Alderney Gate Public Library:

- in need of new carpeting
- the branch could handle more business
- new residential growth around the building is welcome
- perceive lack of free parking is considered a drawback for the branch

Dartmouth North Public Branch

- is an active branch
- limited physical space
- requests from area residents for additional hours of operation continue

Woodlawn Public Branch

- is a busy branch
- space is an issue and has been identified as the second priority in the Halifax Public Libraries Master Facilities Plan

Cole Harbour Public Branch

- Book drops for this branch are not large enough to accommodate the great number of off hour returns. Library Administration is reviewing options to resolve this situation
- Expansion required to improve operations

Mobile Public Branch

- after school hours are popular, consequently, an early afternoon service in East Preston is being considered
- Given residential growth, the stops in Eastern Passage are being reviewed

Concluding her presentation, Ms. Hare referred to the brochure included in the information package entitled *What is a Central Library* and noted that the brochure provided some examples of what central libraries look like and what they can do for their communities.

Ms. Hare responded to questions from members of Community Council.

The Chair thanked Ms. Hare for her presentation.

Community Council agreed to deal with the hearings at this time.

9. HEARINGS

9.1 Public Hearings

9.1.1 Case 00786: Development Agreement - Medical Clinic Parking Lot

- This matter was given First Reading at the October 6, 2005 meeting of Harbour

East Community Council.

- A supplementary staff report dated October 12, 2005 was before Council for consideration. Also before Community Council was a previously distributed staff report dated September 23, 2005.
- The following correspondence was before Community Council:
 - dated October 24, 2005 from Gary Collens
 - dated October 29, 2005 from Wolf Jacobi

Ms. Hanita Koblents, Planner, briefly outlined the application by Plaza Tacoma Centre Ltd. for a development agreement to permit a parking lot for a medical clinic in the R-1 Zone at Valleyfield Road and Oakwood Avenue, Dartmouth, as found in the September 23, 2005 staff report. Ms. Koblents noted that staff was recommending approval of the proposal.

Ms. Koblents responded to questions and clarified the location of the Shoppers Drug Mart location.

Noting that no one had signed the Public Hearing Sign-up Sheet, the Chair called for persons wishing to speak in favour of or against the proposal.

Gary Collens, Dartmouth

Mr. Collens referred to his October 24, 2005 correspondence noting that he had undertaken a survey to determine the need for the additional parking spots. Mr. Collens indicated that based upon the survey it would appear the spots would not be needed and expressed concern they would be used by skateboarders and for other activities. Mr. Collens noted that the neighbourhood is already experiencing difficulty with youth and this will only increase those problems. Mr. Collens indicated that the spots may be needed in the future, however, they are not now required.

Jim Pushie, Tacoma Plaza Ltd.

Mr. Pushie addressed Community Council indicating that the increased parking spots are intended for staff. Mr. Pushie noted that there is a potential for ten doctors to occupy the facility each having two staff. There will be a need for 30 staff parking spaces between 9:00 a.m. and 6:00 p.m. In addition, the doctors will see approximately four people per hour during the same hours. Mr. Pushie noted that there will also be seasonal requirements.

The Chair called three times for persons wishing to address Council in support of or against the proposal.

MOVED by Councillor Karsten, seconded by Councillor Younger that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Younger, noting that he had spoken with or received correspondence from a number of area residents, indicated that the residents are happy with the Development Agreement. However, if there is no need for the additional parking, it should not be built.

MOVED by Councillor Younger, seconded by Councillor Karsten that the decision with regard to this matter be deferred for a period of six months (May 2006) at which time Community Council will review the need for the additional parking spaces prior to rendering a decision. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor McInroy noted that he would not be voting in favour of the motion as he believed if the parking was permitted only by Development Agreement there must be justification for that parking. He noted that he did not believe there was that justification. Councillor McInroy further noted that the purpose of the intended parking is not for patients or the public, but for the staff. He went on to note that in his view this is more a private business concern rather than a public need.

Ms. Donovan, Municipal Solicitor, clarified that the public hearing would not have to be advertised again if the decision were deferred as it is only the decision that is being deferred.

MOTION TO DEFER PUT AND PASSED UNANIMOUSLY.

9.1.2 Case 00807: Amendment to Development Agreement - Horizon Court, Dartmouth

- This matter was given First Reading at the October 6, 2005 meeting of Harbour East Community Council.
- A previously circulated staff report dated September 21, 2005 was before Community Council.

Mr. Shayne Vipond, Planner, addressed Community Council and briefly reviewed the application to amend the existing development agreement to permit two additional apartment units for the second high rise apartment building on Horizon Court,

Dartmouth, as contained in the September 21, 2005 staff report. Mr. Vipond advised that staff is recommending approval of the proposal. Mr. Vipond responded to questions from members of Community Council.

The Chair called Ian Murray, the only person having signed the Public Hearing Sign-Up Sheet, to come forward to speak.

Mr. Murray declined the opportunity to speak.

The Chair called three times for persons wishing to speak in favour or against the proposal.

Hearing none, it was **MOVED by Councillor Younger, seconded by Councillor McCluskey that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillor McCluskey, seconded by Councillor Younger that Harbour East Community Council:

- **Approve the amending development agreement, included as Attachment A of the September 21, 2005 staff report, to allow for two additional apartment units for a total of 150 apartment units in the proposed apartment building, changes to parcel consolidations requirements and minor changes to the elevations of building on lands located on Horizon Court Dartmouth.**
- **Require that the amendment development agreement be signed within 120 days or any extension granted by Council on request of the applicant from the date of final approval by Council and any other bodies as necessary whichever approval is later, including applicable appeal periods, otherwise, this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED UNANIMOUSLY.

9.1.3 Case 00782: Rezone a Portion of 56 Dawson Street, Dartmouth

- This matter was given First Reading at the October 6, 2005 meeting of Harbour East Community Council.
- A previously circulated staff report dated September 23, 2005 was before Council for consideration. Correspondence dated November 2, 2005 from Steve Jennex was also before Community Council.

Mr. John MacPherson, Planner, addressed Community Council and briefly reviewed the application to rezone 56 Dawson Street, Dartmouth, from R-3 (Multiple Family Dwelling Zone-Medium Density) Zone to C-2 (General Business) Zone to facilitate development of a service station, as contained in the September 23, 2005 staff report.

Mr. MacPherson indicated that staff is recommending approval of the proposal.

Mr. MacPherson, in response to a question from Councillor McCluskey, advised that the gas station was an as of right development on the property. However, the applicant is seeking this rezoning in order to better configure the property.

The Chair called Ian Murray, the only person having signed the Public Hearing Sign-Up Sheet, to come forward to speak.

Mr. Murray declined the opportunity to speak.

The Chair called for persons wishing to speak in favour or against the proposal.

Mr. Peter Richard, Dartmouth

Mr. Richard, a resident of the area, addressed Community Council noting that he was representing his neighbours this evening. Mr. Richard indicated that he was opposed to the proposed development of the gas station at this location.

The Chair called three times for persons wishing to speak in favour or against the proposal.

Hearing none, it was **MOVED by Councillor McCluskey, seconded by Councillor Kent that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillor McCluskey, seconded by Councillor Karsten that Harbour East Community Council approve the rezoning of 56 Dawson Street from R-3 (Multiple Family Dwelling Zone - Medium Density) Zone to C-2 (General Commercial) Zone, as shown on Map 1 of the September 23, 2005 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

9.2 Appeal Hearings - None

5. BUSINESS ARISING OUT OF THE MINUTES

5.1 STATUS SHEET ITEMS

5.1.1 Petition - Councillor McCluskey- Request for Lighting at Brownlow Park, Dartmouth

No information received. This matter is to remain on the status sheet.

5.1.2 Traffic Lights at Intersection of Faulkner Street/Wyse Road and/or Dawson Street/Wyse Road

- An Information Report dated October 20, 2005 was before Community Council.

This matter is to be removed from the status sheet.

5.1.3 Request for Traffic Light - Councillor Smith

No information received. This matter is to remain on the status sheet.

5.1.4 Presentation- Trans Canada Trail - Revised Proposal

No information received. This matter is to remain on the status sheet.

5.1.5 Traffic on Portland Street

- An Information Report dated October 18, 2005 was before Council.

This matter is to be removed from the status sheet.

5.1.6 Unsightly Vessels Anchored in Dartmouth Cove

No information received. This matter is to remain on the status sheet.

5.1.7 Community Planning Advisory Committee - Eastern Passage/Cow Bay

No information received. This matter is to remain on the status sheet.

5.1.8 Brightwood Golf Course - Petition

No information received. This matter is to remain on the status sheet.

5.1.9 Service Building - Cole Harbour Commons

No information received. This matter is to remain on the status sheet.

6. MOTIONS OF RECONSIDERATION - None

7. MOTIONS OF RESCISSION - None

8. CONSIDERATION OF DEFERRED BUSINESS

9. HEARINGS

The hearings were considered earlier in the meeting.

10. CORRESPONDENCE AND DELEGATIONS

10.1 Correspondence - None

10.2 Petitions - None

10.3 Presentations

10.3.1 Presentation - Regional Plan Update

Mr. Austin French, Project Manager, Regional Planning Project, made a lengthy presentation providing an overview of the draft Regional Plan and focussing on changes made since the last round of public consultations:

The presentation included the following highlights:

- An overview of the Four Pillars of Growth
 - Natural Environment and Heritage
 - Growth Centres
 - Linking Communities
 - Fiscally Sustainable and Strong Economy

- Highlights of Changes from previous draft to the present draft

LAST DRAFT	PRESENT DRAFT
<p>Conventional Subdivisions</p> <ul style="list-style-type: none"> • four (4) lots on existing roads and one (1) on new road 	<p>Conventional Subdivisions</p> <ul style="list-style-type: none"> • any number of lots on existing local roads • wide frontage on trunk and route roads • up to eight (8) lots on new roads intersecting local roads • Rural Resource - increased to eight (8) lots on new roads intersecting any road
<p>Cluster Subdivisions Open Space Subdivision for more that four (4) lots, with shared septic</p>	<p>Cluster Subdivisions Open Space Subdivision or Hybrid Subdivision for more than eight (8) lots</p>
<p>Housing Issues Interpreted as dictating affordable housing into Community Plans</p>	<p>Housing Issues</p> <ul style="list-style-type: none"> • Clarifies HRM's role • Clarifies that Community Planning must only consider diverse housing options • Clarifies definition of affordable housing
<p>Service Boundaries</p> <ul style="list-style-type: none"> • Anticipated major changes 	<p>Service Boundaries</p> <ul style="list-style-type: none"> • Major changes deferred to Community Plan Reviews
<p>Development Restrictions due to Limited Road Capacity Traffic Authority to refuse development where road capacity would be exceeded</p>	<p>Development Restrictions due to Limited Road Capacity Specifically lists Beaver Bank and Hammonds Plains to protect traffic safety</p>
<p>Roads and Corridors</p> <ul style="list-style-type: none"> • Specific time frame for future roads • Omitted some very long term road proposals 	<p>Roads and Corridors</p> <ul style="list-style-type: none"> • More flexible time frae for future roads • Adds more long term road corridors for acquiring land
<p>Regional Parks Listed 12 Regional Parks, seven (7) of which originate from the 1975 Regional Plan</p>	<p>Regional Parks Adds another Regional Park at Feely Lake near Middle Sackville</p>
<p>Islands Silent on how to protect islands</p>	<p>Islands Development by agreement with conditions to protect coastal communities</p>

LAST DRAFT	PRESENT DRAFT
<p>Minimum Coastal Elevations</p> <ul style="list-style-type: none"> • Five (5) Metres with variance only through site specific study 	<p>Minimum Coastal Elevations</p> <ul style="list-style-type: none"> • Two and one-half (2.5) metres - no variance • Interim measure pending coastal hazard mapping
<p>Culture and Heritage</p> <ul style="list-style-type: none"> • Emphasized physical heritage • Emphasized Registered Heritage Properties 	<p>Culture and Heritage</p> <ul style="list-style-type: none"> • More prominence given to upcoming Cultural Plan • More recognition of views, landscapes, and heritage districts

Mr. French noted that upon completion of the presentation of the Plan at Community Councils, the Plan will be forwarded to Council with a view to holding the public hearing in January.

Referring to the overview of the Growth Centres, Councillor Younger noted there were at least two more local centres in the Harbour East Community Council catchment area including the City of Lakes Centre in Burnside and the Tacoma Centre. The Councillor went on to express concern that the water service boundaries issue, particularly the Spider Lake service boundary, is not to be included in the Regional Plan.

Mr. French indicated that the Plan now called for water service boundaries to be considered during the Community Planning process. Councillor Younger noted that the fact sheet information does not agree with the information provided this evening regarding this matter.

Kate Green, Hatchett Lake

Ms. Green addressed Community Council and asked what the two densities were relative to the Open Space Concept and the Hybrid Concept of Subdivision.

Mr. French indicated that the Open Space Concept intends that there be a substantial open space portion and the density be clustered with 40% decrease in density from the conventional subdivision. The Hybrid concept places units on properties of 2.5 acres and clusters the units on the site. Open space is achieved through private property. In response to a question from Ms. Green regarding the ability to cluster water and septic with the hybrid concept, Mr. French indicated that the intent is that both systems could be used and the key is designing what is appropriate for the site.

A representative of the Ecology Action Centre (EAC), addressed Community Council

noting that the EAC supports the adoption of the Regional Plan. Noting the changes that have taken place with regard to the open space concept of subdivision, he suggested that if marketability is an issue, HRM might move to offer incentives and/or work with the developers to encourage open space concept development.

Mr. French indicated that one of the major incentives to the open space concept of development is the provision of piped water to those areas having well and septic. Additionally, there is a reduction in the required parkland dedication under the open space concept from 10% to 5%.

In response to a question regarding the possibility of considering more stringent guidelines during the plan review, Mr. French indicated that it seemed reasonable that a review of the success of this type of development would be undertaken.

Frank Willis, Dartmouth

Mr. Willis congratulated staff on the work to date on the Plan and noted that he was very pleased that suggestions have been incorporated. Mr. Willis indicated that he hoped there would be the ability to make changes to the Plan outside of the five year review. Mr. Willis went on to ask how the Economic Strategy, Cultural Plan, Immigration Strategy and other parallel plans fit with the Regional Plan.

Mr. French went to note that within the Regional Plan there is information relating to these parallel plans. Referring to the Economic Strategy, Mr. French indicated that the Plan speaks to the coordination of the various projects to ensure that the Regional Plan meets its full potential.

Mr. Colin Thomas, Dartmouth

Mr. Thomas addressed Community Council and asked when the Community Planning would begin.

Ms. Jacqueline Hamilton, Manager, Capital District advised that a decision on priorities relative to Community Planning have not yet been made. She went on to note that staff is looking at issues within the regional centre and in particular urban design issues. She noted that consultation regarding the terms of reference for that exercise has already been undertaken and an urban designer has been recently hired to assist with that effort. Ms. Hamilton indicated that this initiative will be ramping up over the next number of months and will be a very community based 18 month process.

Mr. Colin Thomas noted that the positive changes in downtown Dartmouth are the result of a very long planning process. He pointed out that although the process can be long

but is a very worthwhile effort.

Anna Jacobson, Dartmouth

Ms. Jacobson addressed Community Council noting that there seemed to be quite a change in the direction with regard to affordable housing and requested more detail in that regard.

Mr. French responded that the Regional Planning Committee supports affordable housing within the plan in a number of ways including:

- establishing significant land areas both in and outside the service boundary
- encouraging mixed used communities
- transit oriented element of designing communities

Mr. French went on to note that the approach taken to affordable housing in the first draft of the plan was seen by many as forcing affordable housing down the throats of the communities. He went on to note that the issue of affordable housing has always been envisioned as part of the community planning process.

In response to questions from members of Community Council, the following information was provided:

- The Regional Plan does not include a definition of affordable housing. The most recent draft clarifies HRM's role in terms of affordable housing.
- It is appropriate and important to reserve corridors and identify collector roads within the plan.
- With reference to the cost of bringing piped water systems to open space and hybrid subdivisions outside the service boundary, satellite systems maybe used. These systems would be built to standard and the cost of this has been built into the savings as set out in the Regional Plan.
- With regard to the Harbour Plan, concern was expressed regarding the continued marine dependence of the harbour. Note was made that public access to the harbour is important and residents would like to see the potential for industrial uses, particularly in the area of the Nova Scotia Hospital, reduced. Staff noted that the recommendation to the Regional Planning Committee from the Harbour Plan Committee for that particular property was a continued marine industrial designation. Efforts have been made to encourage the Province to address the property and to involve the community in their planning.
- Concern was expressed that the Regional Plan would be completed prior to the Harbour Plan. Staff noted that every effort would be made to ensure the Regional Plan will address the harbour in a manner sympathetic to the Harbour Plan.

Councillor Smith thanked Mr. French his presentation.

10.3.2 Presentation - Library Board

This matter was considered previously in the meeting.

11. REPORTS

11.1 STAFF REPORTS

11.1.1 Case 00783: Rezone 30 Montague Road, Westphal

- A staff report dated October 14, 2005 was before Community Council.

MOVED by Councillor McInroy, seconded by Councillor Younger that Harbour East Community Council give First Reading to consider the rezoning of 30 Montague Road, Westphal, and schedule a public hearing for December 1, 2005. MOTION PUT AND PASSED UNANIMOUSLY.

11.1.2 Case 00824: Application for Rezoning - 91 Tacoma Drive

- A staff report dated October 5, 2005 was before Community Council for consideration.

MOVED by Councillor Younger, seconded by Councillor McCluskey that Harbour East Community Council give First Reading to consider a rezoning of a portion of 91 Tacoma Drive and schedule a public hearing for December 1, 2005. MOTION PUT AND PASSED UNANIMOUSLY.

11.2 MEMBERS OF COMMUNITY COUNCIL - REQUESTS FOR REPORT

11.2.1 Burnside City of Lakes Business Park - Councillor Smith

- A Councillor request for information was before Community Council.

MOVED by Councillor McCluskey, seconded by Councillor Younger that:

- 1. Staff prepare a report reviewing the provisions in the Dartmouth MPS and LUB**

concerning the City of Lakes Business Park regarding the intentions of the former City of Dartmouth and HRM relative to the Park, and that the report include a recommendation regarding the Business Park boundaries and protection measures for development within the boundaries.

2. Harbour East Community Council recommend to Regional Council that an independent traffic study be conducted on all development and lands east of Burnside Drive with the objective of determining the congruence of the present and future street systems with the City of Lakes Business Park.

MOTION PUT AND PASSED UNANIMOUSLY.

11.2.2 Rezoning from "I" to "P"- Parcel of HRM Land Near Dartmouth Sewage Treatment Plan

3. A Councillor Request for Information was before Community Council.

MOVED by Councillor Kent, seconded by Councillor Karsten that staff initiate the process to rezone the HRM parcel of land near the Dartmouth Sewage Treatment Plant, (formerly provincial land between the North Woodside Community Centre and the Reigh Allen Centre), from "I" to "P". MOTION PUT AND PASSED UNANIMOUSLY.

12. **MOTIONS** - None
13. **ADDED ITEMS** - None
14. **NOTICES OF MOTION** - None
15. **PUBLIC PARTICIPATION**

Mr. Reg Jones, Dartmouth

Mr. Jones referred to the number of street lights which were not working throughout Dartmouth. He noted that between the MacDonald Chev Olds and the ramp to the Highway 111 he had counted 16 lights that were not working. Mr. Jones expressed frustration over the number of groups having responsibility for the maintenance of street lights.

Note was made that Councillors would be having lunch with representatives of Nova Scotia Power Inc. in the near future and would raise this issue with them at that time.

Mr. Jones noted that he would like to see more underground wiring in Dartmouth.

16. **NEXT MEETING** - December 1, 2005

17. **ADJOURNMENT**

There being no further business, the meeting adjourned at 9:50 p.m.

The following information item was circulated to members of Community Council:

1. Correspondence from Shalom Mandaville re Phosphorus - Canadian Water Quality Guidelines at a Glance