

HALIFAX REGIONAL MUNICIPALITY

HARBOUR EAST COMMUNITY COUNCIL MINUTES MARCH 2, 2006

PRESENT: Councillor Becky Kent, Acting Chair
Councillor Harry McInroy
Councillor Gloria McCluskey
Councillor Andrew Younger
Councillor Bill Karsten

ABSENT WITH
REGRETS: Councillor Jim Smith

STAFF: Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Sherryll Murphy, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 7:05 p.m.

2. APPROVAL OF MINUTES

Councillor McCluskey noted amendments to the January 5, 2006 minutes as follows:

Page 8, the motion relating to item 12.1 does not include the names of the Councillors and on Page 9, paragraph two the word 'months' should follow the word 'more' in the second line.

MOVED by Councillor McCluskey, seconded by Councillor Younger that the minutes of the regular meeting of Harbour East Community Council held on December 1, 2005 and the special meeting held on February 7, 2005, as distributed, be approved; and further that the minutes of the regular meeting of January 5, 2006, as amended, be approved.

Councillor McCluskey recognized Mr. Jerry Pye, MLA, seated in the gallery this evening.

Councillor Karsten acknowledged the first anniversary of the four RCMP officers from Alberta who were slain last year.

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

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

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 STATUS SHEET ITEMS

4.1.1 Burnside City of Lakes Business Park

Councillor Smith has advised that this matter may be removed from the status sheet.

4.1.2 Request for Traffic Light - Brownlow/Commodore

- An information report dated December 23, 2005 was before Community Council for consideration.

No further action was taken with regard to this matter.

4.1.3 Presentation- Trans Canada Trail - Revised Proposal

Councillor McCluskey provided an update and noted that the project is set to go forward and is scheduled to be ready for July.

This matter is to be removed from the status sheet

4.1.4 Unsightly Vessels Anchored in Dartmouth Cove

Councillor McCluskey noted that the vessels and moorings have been removed from the Cove.

This matter is to be removed from the status sheet.

4.1.5 Community Planning Advisory Committee - Eastern Passage/Cow Bay

Councillor Kent noted that staff is still working with her with regard to this matter and requested that this matter remain on the status sheet.

4.1.6 Brightwood Golf Course - Petition

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

4.1.7 Service Building - Cole Harbour Commons

This matter is to remain on the status sheet pending the recommendation from Harbour East Community Council endorsing this project for inclusion in the 2006/07 capital budget being tabled during budget discussions.

2. MOTIONS OF RECONSIDERATION - None

3. MOTIONS OF RESCISSION - None

7. CONSIDERATION OF DEFERRED BUSINESS

8. HEARINGS - None

9. CORRESPONDENCE AND DELEGATIONS - None

10. REPORTS

10.1 HARBOUR EAST PLANNING ADVISORY COMMITTEE

10.1.1 Amendments to Terms of Reference

- A report from the Harbour East Planning Advisory Committee (HEPAC) dated January 24, 2006 was before Community Council.

Councillor Karsten indicated that he had intended to suggest an additional amendment to the Terms of Reference which would provide that the HEPAC advise on all rezoning, land use by-law amendments and development agreement applications within or affecting the jurisdiction of Harbour East Community Council ***exempting cases where responsibility for such is directed to a Public Participation Committee authorized by the Harbour East Community Council.*** However, staff has advised that such an amendment would not be consistent with the Municipal Government Act (MGA), Section 200 (5).

Councillor Karsten suggested the PAC recommendation be deferred until Community Council receives a staff report on whether it would be appropriate to proceed with his proposed amendment. Since Community Council had authorized the formation of the Public Participation Committee (PPC) to review in detail the proposed development for the east side of Forest Lake, the Councillor expressed concern that the recommendations of this Committee must receive final approval from the Planning Advisory Committee (PAC) before going to Community Council. Councillor Karsten stated that the Community Council should have the authority to assign responsibility and suggested that the MGA be changed.

In response to Councillor Karsten, Ms. Mary Ellen Donovan, Municipal Solicitor, noted that Section 201 of the MGA very clearly states that an area advisory committee would report to the Planning Advisory Committee. She went on to point out that the overall concept provides that the PAC is established to consider the impact of development over the whole jurisdiction of the Community Council. The PPC is appointed to deal with a smaller area and to undertake a very detailed review of development.

MOVED by Councillor McInroy, seconded by Councillor Younger that the following changes be made to the Terms of Reference for the Harbour East Planning Advisory Committee:

1. **Include the following point under “Membership”:**
 - **Consideration may be given to appointing a member at large should efforts to recruit a District representative be unsuccessful**
2. **Change the wording of the second point under “Meeting” as follows:**

- Meeting *will normally* be held on the 2nd Wednesday day of each month

MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Karsten, seconded by Councillor Younger that staff provide a report to determine if it is possible to amend the Municipal Government Act to allow recommendations of Public Participation Committees (Area Advisory Committees) to be submitted directly to Community Council rather than having to receive final approval from the Planning Advisory Committee for the Community Council.

The Councillor further requested that the report briefly outline:

1. The responsibilities of the Public Participation Committee,
2. Give an opinion as to which has precedence:
 - a) direction received from Community Council or
 - b) the Municipal Government Act,
3. Does Community Council have the authority to exclude a particular geographic area from the responsibility of the Planning Advisory Committee.

MOTION PUT AND PASSED.

10.1.2 Case 00811 - Development Agreement - Scotia Court, Dartmouth

4. A report from the Harbour East Planning Advisory Committee dated February 9, 2006.

MOVED by Councillor Younger, Councillor McInroy that Harbour East Community Council give Notice of Motion to consider the development agreement for Case 00811, Scotia Court, Dartmouth, as attached to the January 4, 2006 staff report, and schedule a public hearing for April 4, 2006.

In response to Councillor McCluskey, Ms. Hanita Koblents, Planner, clarified that the proposal for Scotia Court, Dartmouth was originally put forward under an affordable housing grant which at the time of the public hearing had received tentative approval. Ms. Koblents advised that the grant application has been denied and consequently, the proposal will proceed as a market value project. Ms. Koblents further explained that staff's position will remain unchanged as HRM does not prejudice development agreement applications based upon tenure.

Councillor McCluskey went on to express concern regarding the number of units which will be located on this one site should this project be approved and dissatisfaction with the

traffic study.

MOTION PUT AND PASSED.

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

Jerry Pye, MLA, Dartmouth

Mr. Pye thanked Community Council for allowing an opportunity at each meeting for public participation. He went on to suggest that this opportunity be broadly advertised to encourage more participation.

Referring to the Scotia Court proposal, Mr. Pye indicated that the presentations at the Public Information Meeting all indicated that this project would include affordable units. Mr. Pye asked, given that public perception of the project was based upon this indication, does the altered status of the project make a significant change to the outcome of the Public Information meeting.

Councillor Kent responded to Mr. Pye regarding a more broad advertisement of public participation noting that this information is included on the web page for the Community Council and Councillors routinely include this information in their newsletters. She went on to indicate that Community Council would follow up with a written response to Mr. Pye's question relating to the impact of the changed circumstances for the Scotia Court development.

15. NEXT MEETING

The next regular meeting of Harbour East Community Council is scheduled for Thursday, April 6, 2006 beginning at 6:00 p.m.

16. ADJOURNMENT

The meeting adjourned at 7:46 p.m.

Sherrill Murphy
Legislative Assistant