

HALIFAX REGIONAL MUNICIPALITY

HARBOUR EAST COMMUNITY COUNCIL MINUTES May 4, 2006

PRESENT: Councillor Jim Smith, Chair
Councillor Becky Kent
Councillor Gloria McCluskey
Councillor Andrew Younger
Councillor Bill Karsten

REGRETS: Councillor Harry McInroy

STAFF: Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Julia Horncastle, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 7:00 p.m.

2. APPROVAL OF MINUTES - April 6, 2006

MOVED by Councillor McCluskey, seconded by Councillor Karsten, that the minutes of April 6, 2006 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

12.1 Correspondence - Brightwood Golf and Country Club

MOVED by Councillor Younger, seconded by Councillor Karsten, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS ARISING OUT OF THE MINUTES - NONE

4.1 STATUS SHEET ITEMS

4.1.1 Keystone Village Rezoning

- An information report dated April 20, 2006, on the above noted was before Community Council.

Community Council agreed that the item be removed from the status sheet.

4.1.2 Public Participation - Development of Subdivision - Cow Bay Road

- An information report dated April 27, 2006, on the above noted was before Community Council.

Community Council agreed that the item be removed from the status sheet.

4.1.3 Public Participation - Speeding - Main Street

Community Council agreed that the item be removed from the status sheet.

4.1.4 Relationship - PPC and PAC

No information received, to remain on status sheet.

4.1.5 Community Planning Advisory Committee - Eastern Passage/ Cow Bay

No information received, to remain on status sheet.

4.1.6 Brightwood Golf Course

No information received, to remain on status sheet.

4.1.7 Service Building - Cole Harbour Commons

No information received, to remain on status sheet.

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS

7.1.1 Case 00786 - Development Agreement - Medical Clinic Parking Lot

- An extract from the November 5, 2005 Community Council meeting was before the Community Council.
- Staff report dated October 12, 2005, on the above noted, was before Community Council.
- Staff report dated September 23, 2005, on the above noted, was before Community Council.

In response to Councillor Younger as to the results of the parking lot survey, Ms. Hanita Koblents, Planner, advised the observations were made on Saturday of the Easter weekend and none of the parking spaces behind the store were being used with most of the people parking directly in front of Shoppers Drug Mart.

MOVED by Councillor Younger, seconded by Councillor Kent, that Harbour East Community Council refuse the development agreement application. MOTION PUT AND PASSED UNANIMOUSLY.

8. HEARINGS

8.1 PUBLIC HEARINGS

8.1.1 Case 00811 - Development Agreement - Scotia Court, Dartmouth

- An information report dated March 9, 2006, on the above noted, was before Community Council.
- A staff report dated February 9, 2006, on the above noted, was before Community Council. Ms. Hanita Koblents, Planner, presented the staff report.

Councillor McCluskey advised the sign on the property contains the wrong information nothing, the sign advises the development is for multi-unit and townhouses. She noted Dartmouth Land Use By-law does not require identification of a development by the placement of a sign but developers are requested to erect signs. She stated the situation with regards to this property is that a sign is in place but, it contained the wrong information.

Ms. Mary Ellen Donovan, Municipal Solicitor, confirmed there is no legislation imposing a requirement that a sign be posted on the property. In this case the placement of the sign was voluntary on a request by HRM staff. Because it is not a mandated requirement, the developer could have chosen not to follow the request of staff. She noted that the developer did initially post a correct sign but it was subsequently replaced with an incorrect sign. Because there is no legislative requirement to post a sign, there is no legal defect in the process by reason of the placement of an incorrect sign on the property. She advised that if Community Council believed it to be in the public interest, they could adjourn the public hearing to the next Community Council date. She suggested if the public hearing is adjourned, it would be for the purpose of putting up a correct sign which should indicate that it is an amended sign to bring the correction to the attention of the public.

MOVED by Councillor McCluskey, seconded by Councillor Kent that the public hearing be adjourned to the next meeting to allow for the correction of the sign.

In response to Councillor Karsten, Ms. Donovan advised the ad in the paper was correct. Community Council was advised there would be no requirement to place another ad in the paper.

Councillor Younger expressed concern there would be no new public notification if the hearing was adjourned as there was no requirement for another ad or mailout. Staff advised that Community Council could decide that the public hearing be re-advertised and notification letters be re-issued.

In response to Councillor Kent as to whether the adjournment could be appealed, Community

Council was advised that because it is not a legal requirement to post a sign the error is not sufficient to invalidate the process so therefore it would not be a matter for a valid appeal.

MOTION PUT AND PASSED.

MOVED by Councillor Kent, seconded by Councillor McCluskey, that the next meeting date be readvertised and notification letters be re-sent. MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

9.2.1 Councillor Younger

Councillor Younger served a petition on behalf of the residents opposed to the rezoning of the property located at 64-66 Lakecrest Drive, Dartmouth. The Councillor requested the petition be forwarded to Planning and Development Services for inclusion as part of the record for the file on the subject property.

10. REPORTS

10.1 MEMBERS OF COUNCIL

10.1.1 Councillor Kent - Street Naming Process/Approval

Councillor Kent noted a request has come forward from the residents of Eastern Passage/Cow Bay to consider the naming of a street in memory of Keri Lea Dixon.

MOVED by Councillor Kent, seconded by Councillor Younger, that staff provide a report explaining the implications and appropriateness of naming a new street in District 8 in honour of Keri Lea Dixon.

Councillor Younger requested the report address the issue of two name streets.

MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Correspondence - Brightwood Golf and Country Club

MOVED by Councillor McCluskey, seconded by Councillor Younger, that the correspondence be forwarded to Regional Council. **MOTION PUT AND PASSED UNANIMOUSLY.**

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

Ms. Gerry Peruse, representing "Citizens for Brightwood", spoke in support of the correspondence from Mr. Rodgers, President of the golf club. She advised the vast majority of residents who live in that area are very much behind this initiative. She noted they do have issue with the price but it is a matter for discussion. She proposed the Municipality consider entering into a partnership with the citizens to find a solution.

15. NEXT MEETING

The next meeting is scheduled for Thursday, May 8, 2006.

16. ADJOURNMENT

The meeting was adjourned at 7:50 p.m.

Julia Horncastle
Legislative Assistant