

HALIFAX REGIONAL MUNICIPALITY

HARBOUR EAST COMMUNITY COUNCIL MINUTES JULY 7, 2005

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

REGRETS: Councillor Harry McInroy
Councillor Becky Kent

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 7:00 p.m.

2. APPROVAL OF MINUTES

MOVED by Councillor McCluskey, seconded by Councillor Karsten that the minutes of the May 25, 2005 regular session of Harbour East Community Council and the special session held on June 14, 2005, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Note was made that the Case # for item 10.3 is 00810 rather than the 00470 indicated on the agenda.

Councillor Younger requested that item 8.1.2 be moved up to be dealt with as the first hearing, to which Community Council agreed.

Additions

- 12.1 Legal Matter: 7 George's Lane, Dartmouth
- 12.2 Dartmouth Players Signs

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 STATUS SHEET ITEMS

4.1.1 Petition - Brightwood Golf Course

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

4.1.2 Street Lighting - Slayter Street

Councillor Smith indicated that he has received a response and some street lighting is to be installed on Slayter Street. This matter is to be removed from the status sheet.

4.1.3 Development Agreements for Institutional Purposes

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

4.1.4 Changes to Development Agreement - Penhorn Drive at Woodlawn Mall

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

4.1.5 Maynard Beach, Dartmouth

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

4.1.6 Service Building - Cole Harbour Commons

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

4.1.7 Servicing Plan for Ball and Sports Fields in the HECC Area

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

5. MOTIONS OF RECONSIDERATION - None

6. MOTIONS OF RESCISSION - None

7. CONSIDERATION OF DEFERRED BUSINESS - None

8. HEARINGS

8.1 Public Hearings

8.1.2 Case 00803 - Housekeeping Amendments - Dartmouth Land Use By-Law

- It was agreed during the setting of the agenda that this matter be dealt with at this time.
- Correspondence dated July 5, 2005 from Peter J. E. McDonough, McInnes Cooper, Barristers Solicitors & Trade Mark Agents, was distributed to Community Council. Also distributed to Community Council was correspondence dated July 7, 2005 from Bill and Jack Whebby, J&W Whebby Enterprises Ltd.

Councillor Younger noted that there are some issues relative to the proposed amendments, however the two most important are (1) the recently approved amendments to the noise by-law and (2) there may be some unintentional results should this amendment be introduced,

possibly resulting in problems for some Dartmouth businesses. He went on to indicate that there have also been some concerns expressed regarding the notice for the hearing.

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

8.1.1 Case 00770 - Rezoning - 10 Springhill Road, Dartmouth

- This matter was given First Reading at the May 25, 2005 meeting of Harbour East Community Council. A previously distributed supplementary report dated May 6, 2005 was before Community Council.

Ms. Hanita, Kiblents, Planner, briefly reviewed the proposal to rezone 10 Springhill Road from R-3 (Multiple Family Residential Zone (Medium Density)) to R-2 (Two Family Residential Zone). Ms. Kiblents advised that the proposed rezoning would have no effect as the development agreement for this property would continue to apply and supercedes any zoning on the property. She went on to indicate that the development agreement cannot be rescinded without the agreement of both parties. Ms. Kiblents indicated that staff's recommendation is not to rezone the property and that the decision made with regard to this matter can be appealed to the Nova Scotia Utility and Review Board.

Ms. Kiblents and Ms. Donovan responded to questions from members of Community Council.

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

Mr. Mark Petty, property owner

Mr. Petty addressed Community Council indicating that R-3 zoning on the property has been approved. He went on to indicate that he felt that this evening's process was unfair.

Mr. Mike Burgess, property owner

Mr. Burgess addressed Community Council indicating this building was one of two apartment buildings he and Mr. Petty owned and managed. He pointed out that they have tried to act as good corporate citizens in dealing with a problem they inherited. Mr. Burgess noted that they have followed the direction given by HRM in dealing with the two illegal units which existed in the building when they purchased the property. Mr. Burgess expressed concern that Community Council was now moving to rezone the property back to R-2. Mr. Burgess went on to ask what could be built on the site if the building was to burn. Concluding his remarks, Mr. Burgess noted that he and his partner want to have a legal 13 unit building and requested that Community Council honor what has previously been agreed upon.

Mr. Joe Awad, an area resident

Mr. Awad addressed Community Council noting that the area residents did not want the property to be rezoned to R-3. He indicated that the community wanted to ensure that the existing neighbourhood remained intact.

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

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

In response to a question from Community Council, Ms. Kiblents advised that the Development Agreement could be amended. Ms. Kiblents clarified that should the property be destroyed, the Development Agreement would allow the owners to re-build the existing 13 unit apartment building.

MOVED by Councillor Younger, seconded by Councillor Karsten that Community Council approve the rezoning of 10 Springhill Road from R-3 (Multiple Family Residential Zone (Medium Density)) to R-2 (Two Family Residential Zone). MOTION PUT AND PASSED UNANIMOUSLY.

8.2 **Appeal Hearings** - None

9. **CORRESPONDENCE AND DELEGATIONS**

9.1 **Correspondence**

9.1.1 **Petition - Councillor McCluskey - Review of Zoning, By-Laws, Codes and Policies re Townhouses, Height Restrictions, Heritage Properties, Streetscape and View Planes in the Harbourview Area**

Councillor McCluskey submitted a petition on behalf of residents of Dartmouth requesting a comprehensive review of Zoning, By-Laws, Codes and Policies re Townhouses, Height Restrictions, Heritage Properties, Streetscape and View Planes in the Harbourview Area.

This matter will be referred to staff for a response.

9.2 **Presentation**

9.2.1 Presentation re Trans Canada Trail-Revised Proposal - Mr. A. Billard

Mr. Allan Billard, on behalf of Shubenacadie Canal Commission, addressed Community Council and utilizing a Powerpoint presentation reviewed a proposal for the footbridge which is planned for the Lake MicMac/Lake Banook location. Mr. Billard briefly outlined the historical use of the lake noting that both Lake MicMac and Lake Banook are part of the Shubenacadie Canal System. Mr. Billard illustrated with photographs the dinghy and sloop races which were held on the Lakes back the late 1940's in the area of the current Highway 111 bridge. Mr. Billard went on to illustrate the lift bridges which spanned the Shubenacadie Canal.

Mr. Billard explained that the modern ten lane bridge at the Lake MicMac/Lake Banook has given an unintended benefit in the form of a very popular pedestrian access. Residents now have the opportunity to cross the lakes at this point. As a consequence HRM has agreed to build a stand alone footbridge as part of the Trans Canada Trail on this site. The current plan for a plain span will have a self weathering coating and will cost approximately \$250,000. Mr. Billard indicated that these funds have been accumulated through various sources including capital budget funding, Councillor McCluskey's capital funds and the Provincial Sport and Recreation fund.

Mr. Billard went on to indicate that the Shubenacadie Canal Commission is proposing that this bridge celebrate the history of the Lakes and want to build a footbridge in keeping with that history. Mr. Billard illustrated the revised design for the footbridge noting that it was an attractive design, a pleasant span for walkers and joggers and also recognizes the site as a world class destination particularly with the coming of the fourth World Canoe Championships planned for Lake Banook in 2009. Mr. Billard indicated that the proposed bridge would celebrate the contribution of the Canal to the community.

Mr. Billard requested that Community Council support expending \$20,000 from the existing \$250,000 to have the tender drawings prepared and the tender called for the construction of this new advanced design. Mr. Billard went on to indicate that the Commission needs more time to go to the Community to raise approximately \$150,000 in additional funds which will be required. Mr. Billard noted that the plan was to build this bridge this fall, however, if there are to be new drawings and additional fundraising, the bridge will not be built this year.

Mr. Billard submitted his presentation a copy of which is on file.

In response to a question from Councillor McCluskey, Mr. Billard indicated that the Shubenacadie Canal Commission with the assistance of the Canoe to the Sea Society and some corporate citizens have agreed to go out and raise the additional monies. He further

indicated that staff were very supportive of the proposal and, in fact, suggested we come to Community Council.

MOVED by Councillor McCluskey, seconded by Councillor Younger that this presentation be referred to staff for a report and that the report come back to Regional Council at the August 2, 2005 meeting. MOTION PUT AND PASSED UNANIMOUSLY.

The Chair thanked Mr. Billard for his presentation.

10. REPORTS

10.1 Case 00756 - Rezone Additional Parkland Parcels, Dartmouth

- A staff report dated May 28, 2005 was before Community Council.

MOVED by Councillor McCluskey, seconded by Councillor Younger that Harbour East Community Council give First Reading to the proposed rezoning from R-1 (Single Family Dwelling Residential Zone) to P (Park) of the HRM owned land identified in the May 28, 2005 supplementary staff report and the April 14, 2005 staff report and schedule a public hearing for August 4, 2005. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Case 00777 - Driveway Changes in Morris Lake Estates

- A staff report dated June 17, 2005 was before Community Council.

MOVED by Councillor Karsten, seconded by Councillor Younger that Harbour East Community Council give First Reading to the proposed Land Use By-Law amendment for Cole Harbour/Westphal and schedule a public hearing for August 4, 2005. MOTION PUT AND PASSED UNANIMOUSLY.

10.3 Case 00810: Discharge of Development Agreement (proposed Silver Sands Golf Course), Cow Bay Road, Cow Bay

- A staff report dated June 17, 2005 was before Community Council.

MOVED by Councillor Younger, seconded by Councillor Karsten that Harbour East Community Council approve the discharge of the development agreement registered against PID's 40127433 and 40127623 in Cow Bay, by entering into the discharging

agreement as set out in Attachment A of the June 17, 2005 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

10.4 Case 00759 - Development Agreement - Parcel 1, Morris-Russell Lake Master Plan Area, Dartmouth

- A staff report dated June 25, 2005 was before Community Council.

MOVED by Councillor Karsten, seconded by Councillor Younger that Harbour East Community Council give Notice of Motion for the proposed development, as found in Attachment A of the June 25, 2005 staff report, to construct an 84 multiple unit residential building and neighbourhood commercial/office building on Parcel 1 of the Morris-Russell Lake Master plan and schedule a public hearing for August 4, 2005. MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS - None

12. ADDED ITEMS

12.1 Legal Matter: 7 George's Lane, Dartmouth

- This matter was considered at an in camera session held earlier and was now before Community Council for ratification:

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

- 1. Schedule a new appeal hearing for the appeal of the Development Officers decision to approve a site plan for 7 George's Lane, Dartmouth.**
- 2. Not release the July 4, 2005 Private and Confidential staff report.**

MOTION PUT AND PASSED UNANIMOUSLY.

The appeal will be re-heard at the August 4, 2005 meeting of Harbour East Community Council.

12.2 Dartmouth Players Signs

3. This matter was added during the setting of the agenda.

MOVED by Councillor Karsten, seconded by Councillor Younger that staff report as to any history of any concessions or allowances made to the Dartmouth Players within the last year to post signs in different locations in Dartmouth. MOTION PUT AND PASSED UNANIMOUSLY.

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

Joe Awad, Dartmouth

Mr. Hayward addressed Community Council expressing concern regarding the increase in crime in Dartmouth. He went on to indicate that he and other residents of the area would like to see more police in the Windmill Road area.

Community Council referred this matter to staff for consideration and response.

Ann Matthews, Dartmouth

Ms. Matthews addressed Community Council indicating that she believed it is very important that Dartmouth's Planning and Development Committees include as one of the members a conservationist. Ms. Matthews indicated that although development is very important, it is also important to conserve what is best from our past.

Councillor Younger noted that advertising for a newly established Planning Advisory Committee is still ongoing. The Chair indicated that Community Council would take Ms. Matthews comments into consideration with making appointments.

Mr. Reg Jones, Southdale

Mr. Jones addressed Community Council noting that the lawn bowling green located near the Nova Scotia Hospital, which was destroyed by Hurricane Juan, is still not operational.

Mr. Jones went on to express concern regarding the impact on traffic of constant development on Portland Street. He noted that traffic was particularly horrendous at the intersection of Portland Street and Prince Arthur Drive and requested that a traffic study be undertaken with a view to installing traffic lights.

Community Council referred these matters to staff for a response.

Marjorie Gibbons, Dartmouth Cove

Ms Gibbons addressed Community Council expressing concern regarding the boats that are moored in the Dartmouth Cove. Noting the poor repair/condition of the boats, Ms. Gibbons indicated that Dartmouth Cove is becoming a wreck cove. Ms. Gibbons indicated that she and her neighbors have been writing to the Port Authority without success. She noted that area residents have been told the vessels are emergency vessels even though grass grows on these vessels and residents have never seen them moved. Ms. Gibbons requested that Community Council assist residents with this matter.

Councillor McCluskey indicated that she had been told by the Port Authority the vessels would be moved by the end of June.

Community Council referred these matters to staff for a report.

15. NEXT MEETING

The next meeting of Harbour East Community Council will be held on August 4, 2005 beginning at 6:00 p.m.

16. ADJOURNMENT

There being no further business, the meeting adjourned at 8:00 p.m.

The following information items were circulated to members of Council:

1. Correspondence from S. M. Mandaville, Soil & Water Conservation Society of Metro Halifax dated May 30, 2005 re Civil Service Lakes Authority
2. Correspondence from S. M. Mandaville, Soil & Water Conservation Society of Metro Halifax dated June 6, 2005 re Amendment to Terms of Reference - Dartmouth Lakes Advisory Board