

HALIFAX REGIONAL MUNICIPALITY

HARBOUR EAST COMMUNITY COUNCIL MINUTES SEPTEMBER 8, 2005

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

REGRETS: Councillor Harry McInroy
Councillor Jim Smith

STAFF: Mr. Randolph Kinghorne
Ms. Sherryl 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 Karsten, seconded by Councillor Kent that the minutes of the August 4, 2005 meeting of Harbour East Community Council, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Addition:

Information Item

1. Nova Scotia Court of Appeal - Notice of Appeal - Appeal of decision of August 4, 2005 Harbour East Community Council re Site Plan Approval Application No. 11771 - 7 St. George's Lane, Dartmouth

MOVED by Councillor Younger, seconded by Councillor Kent that the public hearings be considered immediately following the Approval of the Order of Business. MOTION PUT AND PASSED UNANIMOUSLY.

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

8.1 Public Hearings

The Chair advised of the new public hearing procedures relating to the sign up sheet and reiterated that everyone wishing to speak would be given an opportunity. These procedures are included with the file for this meeting.

8.1.1 Case 00776: Development Agreement - 107 Woodlawn Road Dartmouth

- A previously distributed staff report dated July 15, 2005 was before Community Council.

Hanita Koblens, Planner, briefly reviewed the application for a development agreement to permit a building addition to an existing convenience store at 107 Woodlawn, Dartmouth, as

contained in the July 15, 2005 staff report. Ms. Koblens indicated that staff is recommending approval of the Development Agreement.

As there were no names on the sign up sheet, the Chair called for persons wishing to address Community Council in favour of or against the application.

Mr. Bill Bins, Halifax

Mr. Bins clarified that the driveway on Daye Avenue which is nearest to Woodlawn Road would be the driveway which is closed. He further clarified that there would be no walkway as a result of this application.

The Chair called three times for persons wishing to address Community Council in favour of or against the application. Hearing none, it was **MOVED by Councillor Younger, seconded by Councillor Karsten that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

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

1. **Approve the development agreement, presented as Attachment B of the July 15, 2005 staff report, for the expansion of an existing convenience store at 107 Woodlawn Road, Dartmouth.**
2. **Require that the development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise the approval will be void and obligations arising hereunder shall be at an end.**

Following a brief discussion, the Chair read into the record correspondence received from Mr. Danny Chedrawe dated September 8, 2005 in support of the proposal. This correspondence is included with the file for this meeting.

MOTION PUT AND PASSED UNANIMOUSLY.

8.1.2 Case 00749 - Development Agreement - 101 & 103 Albro Lake Road and 250 Victoria Road, Dartmouth

- A supplementary staff report dated September 8, 2005 was before Community Council.

Ms. Hanita Koblens, Planner, provided a brief background to this proposal noting that Regional Council had approved amendments to the Dartmouth Municipal Planning Strategy and Land Use By-Law to permit one new eight (8) unit multiple residential dwelling and to recognize two existing multiple unit dwellings at 250 Victoria Road, and 101 & 1093 Albro Lake Road, Dartmouth. She indicated that the amendments had become effective August 20, 2005.

Ms. Koblens reviewed the Development Agreement as contained in Attachment "A" of the September 8, 2005 staff report. She went on to note that the applicant is requesting that clause 3.5 be removed from Part 3 of the Agreement as it is not considered to be applicable to their development. Concluding her remarks, Ms. Koblens indicated that staff is recommending approval of the Development Agreement with an amendment to provide for the deletion of clause 3.5.

As there were no names on the sign up sheet, the Chair called for persons wishing to address Community Council in favour of or against the application.

Ms. Sherry Becker, Executive Director, Adsum House

Ms. Becker thanked Community Council for their consideration of this matter and noted that a great deal of work had been done by a number of people to reach this point. She thanked all those who had been willing to participate in the process.

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

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

- **Approve the Development Agreement as contained in Attachment "A" of the August 23, 2005 supplementary staff report, to permit one new eight (8) unit multiple residential dwelling and to recognize two existing multiple unit dwellings at 250 Victoria Road, and 101 & 103 Albro Lake Road, Dartmouth, with an amendment to the proposed Development Agreement to delete Section 3.5.**
- **Require that the development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is**

later; otherwise the approval will be void and obligations arising hereunder shall be at an end.

MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 STATUS SHEET ITEMS

4.1.1 Petition - Councillor McCluskey - Crosswalk - Portland Street and Canal Street

- An information report dated August 29, 2005 was before Community Council. Community Council agreed that consideration of this matter be deferred to the October 6, 2005 meeting of Harbour East Community Council.

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

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

4.1.3 Request for Traffic Light - Councillor Smith

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

4.1.4 Presentation- Trans Canada Trail - Revised Proposal

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

4.1.5 Public Participation - Traffic on Portland Street

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

4.1.6 Public Participation - Unsightly Vessels Anchored in Dartmouth Cove

Councillor McCluskey advised that a letter is to be forwarded to the Port Authority requesting an update. During public participation area residents made further submissions to Community Council the content of which will be considered prior to the letter being forwarded to the Port Authority.

4.1.7 Community Planning Advisory Committee - Eastern Passage/Cow Bay

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

4.1.8 Brightwood Golf Course - Petition

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

4.1.9 Development Agreements for Institutional Purposes

- An information report dated August 17, 2005 was before Community Council. Noting that the remedy suggested by staff is rezoning, **Councillor Younger MOVED, seconded by Councillor Karsten that this issue be considered during the development of the new Dartmouth Municipal Planning Strategy and Land Use By-law following the adoption of the Regional Plan. MOTION PUT AND PASSED UNANIMOUSLY.**

This matter is to be removed from the status sheet.

4.1.10 Maynard Beach, Dartmouth

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

4.1.11 Service Building - Cole Harbour Commons

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

8.1.1 Case 00776: Development Agreement - 107 Woodlawn Road Dartmouth

This matter was dealt with earlier in the meeting.

8.1.2 Case 00749 - Development Agreement - 101 & 103 Albro Lake Road and 250 Victoria Road, Dartmouth

This matter was dealt with earlier in the meeting.

8.2 **Appeal Hearings** - None

9. **CORRESPONDENCE AND DELEGATIONS**

9.1 **Correspondence** - None

9.2 **Petitions** - None

9.3 **Presentations** - None

10. **REPORTS**

10.1 **STAFF REPORTS**

10.1.1 **Case 00777: Morris Lake Estates - Discharge Portion of Development Agreement**

- A staff report dated August 22, 2005 was before Council for consideration.

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

- 1 **Discharge Part Two, included as Attachment A to the August 22, 2005 supplementary staff report, of the existing development agreement dated August 28, 1997 with Anahid Investments Limited, filed with the Halifax County Registry of Deeds as Document #40550, Book #6120 on Pages 133-161.**
2. **Direct staff to file a certified copy of this resolution with the Registry of Deeds.**

MOTION PUT AND PASSED UNANIMOUSLY.

11. **MOTIONS** - None

12. **ADDED ITEMS** - None

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

Tim Olive, Executive Director, Downtown Dartmouth Business Commission

Mr. Olive addressed Community Council indicating that the issue of unsightly vessels in Dartmouth Cove has been ongoing for a number of years. He went on to indicate that the many letters written to the Halifax Port Authority have not brought clarity nor seen the issue resolved. The Port Authority maintains the vessels are for emergency purposes and are seaworthy. In fact, the Authority has indicated they have inspected the vessels on a regular basis and that the vessels have met the requirements of the inspection. Mr. Olive pointed out that the inspection records have never been provided.

Mr. Olive requested that Community Council seek from the Port Authority, on behalf of area residents and businesses, information including the dates and results of the inspections by ship number. Noting that there must be some standards in place to obtain a mooring in Halifax Harbour, Mr. Olive requested the current policy, procedure, standard or guideline be provided. Additionally, he asked whether or not Dominion Diving meets these standards or has their situation been grandfathered.

Mr. Olive suggested that the Port Authority has responsibility for these ships and this situation is kin to derelict cars in a neighbourhood.

Referring to a boarded up building at 118 Portland Street, Mr. Olive asked the support of Community Council in having this situation corrected. Councillor McCluskey indicated that as HRM has no legislation regarding boarded up buildings, no further action can be taken with regard to this property.

Councillor Younger noted that Council has passed a resolution requesting the Province change to MGA to allow HRM to pass legislation which would address the issue of boarded up buildings.

Mr. Olive expressed concern that this amendment would get lost in a package of more controversial amendments and requested that Harbour East Community Council advocate that this particular amendment be forwarded to the Province as a single amendment, to which Community Council agreed.

Mr. Joe Robyn, Dartmouth

Mr. Robyn indicated that he has been a member of the Residents Association in the area of Dartmouth Cove for a number of years and the derelict vessels problem has been ongoing for all of that time. Mr. Robyn expressed concern that the issue was not being resolved. Mr. Robyn noted that he could recollect that a vessel had sunk in the Cove and to his knowledge no action had been taken in that regard.

Eric Lewellyn, Dartmouth

Mr. Lewellyn addressed Community Council expressing concern about the negative impact the derelict vessels in Dartmouth Cove have on the future and potential of downtown Dartmouth. He went on to indicate that it was very similar to having a junk heap in the downtown.

Marjorie Gibbons, Dartmouth

Ms. Gibbons addressed Community Council indicating that the Duty Officer at the Coast Guard had indicated that these derelict vessels were not emergency vessels. In fact, he clarified that the smaller vessels were the emergency vessels.

In response to resident concerns, Councillor McCluskey indicated that she would attempt to arrange a meeting with the Port Authority and residents/businesses in downtown Dartmouth

15. NEXT MEETING - October 6, 2005

16. ADJOURNMENT

There being no further business, the meeting adjourned at 8:10 p.m.

The following information items were circulated to Community Council:

1. **Case 00584:** Mixed Residential Development - Parcel's B & C Woodland Avenue and Block X, South Ridge Circle, Dartmouth - Regional Council refused as recommended
2. Nova Scotia Court of Appeal - Notice of Appeal - Appeal of decision of August 4, 2005 Harbour East Community Council re Site Plan Approval Application No. 11771 - 7 St. George's Lane, Dartmouth