

MARINE DRIVE, VALLEY AND CANAL
COMMUNITY COUNCIL
MINUTES
FEBRUARY 28, 2001

PRESENT: Councillor Keith Colwell, Chair
Councillor Steve Streach
Councillor Gary Hines

STAFF: Mr. Kurt Pyle, Planner
Mr. Kevin Warner, Development Officer
Ms. Julia Horncastle, Assistant Municipal Clerk

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1. CALL TO ORDER

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

2. APPROVAL OF MINUTES - June 28, July 18 &19 and August 22, 2000

MOVED by Councillor Streach, seconded by Councillor Hines, that the minutes of June 28, 2000 be approved as circulated. MOTION PUT AND PASSED

MOVED by Councillor Hines, seconded by Councillor Streach, that the minutes of July 18, 2000 be approved as circulated. MOTION PUT AND PASSED.

MOVED by Councillor Streach, seconded by Councillor Hines, that the minutes of July 19, 2000 be approved as circulated. MOTION PUT AND PASSED.

MOVED by Councillor Hines, seconded by Councillor Streach, that the minutes of August 22, 2000 be approved as circulated. MOTION PUT AND PASSED.

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

MOVED by Councillor Streach, seconded by Councillor Hines, that the Order of Business be approved. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES - NONE

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - NONE

8. PUBLIC HEARINGS

8.1 Appeal of refusal of variance re: 38 Lake Thomas Crescent, Fall River, NS

- A report prepared by Kevin Warner, Development Officer, on the above noted, was previously circulated to members of Community Council.

Mr. Kevin Warner, Development Officer, with the aid of an overhead, presented the staff report advising, the original application was for the placement of a garage 19 feet from the property line. The applicant submitted a plan that had met the 30 ft. requirements but subsequently, the garage was constructed approximately five feet from the property line. He stated the garage was built without a permit and with full knowledge of what was required under the Land Use By-Law.

In response to Councillor Streach, Mr. Warner advised the property owner was aware of what the legal requirements were.

Mr. Derek Spinks, 4 Lyn Drive, expressed concern that this was built without a building permit. He stated he has no opposition to the garage but it was not built to code and is not finished properly.

Mr. Dan Patten, 38 Lake Thomas Crescent, property owner, advised he knew he was too close to the road but noted there is another garage in the area that is the same distance from the road.

Councillor Hines noted that not only was this garage in violation of the guidelines but the property owner also failed to obtain the necessary permits.

Mr. Patten advised he had contacted the local RCMP and Department of Transportation who advised that the location of the garage does not pose a safety hazard with respect to siting distances.

MOVED by Councillor Streach, seconded by Councillor Hines, that the public hearing close. MOTION PUT AND PASSED.

In response to Councillor Streach, Mr. Warner advised the neighbouring property has a shed which is also close to the road.

In response to Councillor Streach, Mr. Patten advised the building could be moved but it could not be moved back 30 ft.

Mr. Warner advised that if it was moved, the proponent would have to place additional fill on the property.

Councillor Streach reiterated the applicant placed the building close to the property line knowing it should have been 30 ft. from the line.

In response to Councillor Colwell, it was noted staff had not received any complaints from the neighbours.

MOVED by Councillor Streach, seconded by Councillor Hines, that decision be deferred pending consultation with the neighbours and a site visit. MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Presentations

9.1.1 LWF Ratepayers Association - Mr. Rod MacDonald

Mr. Rod MacDonald, President Elect, LWF Ratepayers Association, made a presentation to Community Council outlining the proposed area rate budget to raise the funds required to operate the LWF Recreation Centre.

MOVED by Councillor Hines, seconded by Councillor Streach, that the Marine Drive, Valley and Canal Community Council approve the proposed budget presented by the LWF Ratepayers Association and forward it to appropriate staff for inclusion in the tax billing for the year April 1, 2001 to March 31, 2001. MOTION PUT AND PASSED.

9.1.2 Nova Scotia Power - Customer Operations re responsibility for street lights, tree trimming, building and maintenance of power lines - Allan Sullivan and Judy Balch

Mr. Allan Sullivan and Ms. Judy Balch, with the aid of a Powerpoint presentation, outlined Nova Scotia Power Customer Operations for the Metro Region.

In response to Councillor Streach as to whether replacement bulbs are at a lower wattage and whether rates have been adjusted accordingly, Mr. Sullivan advised existing fixtures are not downgraded and bulbs are replaced with the same wattage but newer poles have lower wattage bulbs. Mr. Sullivan advised there is a different rate for lower and higher wattage lights. Community Council requested a copy of the different rates be provided.

Councillor Colwell noted that many of the street lights in District 3 are out and have not been replaced. The Councillor also noted that there is not way of identifying the location of some of these lights as there is no physical street address that could be used as a reference. He asked if there was a way that residents could be notified of how to bring these outages to the attention of Nova Scotia Power.

MOVED by Councillor Streach, seconded by Councillor Hines, that Nova Scotia Power be requested to respond to concerns and questions raised. MOTION PUT AND PASSED.

9.1.3 Youth Alternative Society re Youth Justice Dialogue Project - Angela Richard

Ms. Angela Richard, Youth Alternative Society, circulated information and made a presentation on the Youth Dialogue Project which is part of the Nova Scotia Restorative Justice Program.

9.2 Petitions - None

10. REPORTS

10.1 MARINE DRIVE, VALLEY AND CANAL PLANNING ADVISORY COMMITTEE

10.1.1 Case 00287 - Application for an amendment to the Subdivision By-Law for the former Halifax County Municipality

- A report from the Planning Advisory Committee, dated January 30, 2001, on the above noted, was before Community Council
- A report prepared for Mr. Paul Dunphy, Director, Planning and Development Services, dated November 1, 2000, on the above noted, was before Community Council

Mr. Kurt Pyle, with the aid of overheads, presented the staff report advising Mr. Robinson is requesting permission to create one additional lot off Robinson Lane for the purpose of allowing Mr. Robinson to sell the existing dwelling on the property and to retain ownership of the remaining lands. The proposed new lot would have access to Windsor Junction Road via Robinson Lane, while the remaining lands would be accessed from Foster Avenue through the road reserve. He noted Development Services is unable to approve the proposed new lot as it does not have any road frontage on either an approved public or private road and cannot apply Section 14.1 to the property as it was used previously. He noted the lots would be serviced by a well and on site septic system.

MOVED by Councillor Hines, seconded by Councillor Streach, that the Marine Drive, Valley and Canal Community Council recommend approval of the amendments to the Subdivision By-Law for the former Halifax County, as per Attachment 1 of the staff report dated November 1, 2000, to list Robinson Road, Windsor Junction, as a

Schedule "A" road, thereby enabling the applicant to create on additional lot.
MOTION PUT AND PASSED.

10.1.2 Appointments to the Planning Advisory Committee

MOVED by Councillor Streach, seconded by Councillor Hines, that the following persons be appointed to the Marine Drive, Valley and Canal Planning Advisory Committee: Gordon R. Snow, 890 Fall River Road, Fall River; Darlene Mahyr-Richardson, 65 Robinson Drive, Fall River; and Albert Tanguay, Site 8D, Box 38, Waverley, NS. MOTION PUT AND PASSED.

10.2 HALIFAX COUNTY WATERSHED ADVISORY COMMITTEE

10.2.1 Appointment to Halifax/Halifax County Watershed Advisory Board

MOVED by Councillor Streach, seconded by Councillor Hines, that Mr. Barry H. Thomas be appointed to the Halifax/Halifax County Watershed Board as the representative for District 1, Eastern Shore-Musquodoboit. MOTION PUT AND PASSED.

10.3 Recreation Area Rate Policy (Referred to Community Councils by Regional Council - December 12, 2000)

MOVED by Councillor Streach, seconded by Councillor Hines, that the area rate policy be amended to state: "*there are currently facilities, that are both owned and operated by HRM business units, which are funded by specific area rates. The administration of these area rates is the responsibility of those business units that operate these facilities. In all other cases, recreation area rates that are no currently administered within HRM business units are to be administered by a form of association, society or Councillor and the signing authority for expenditures is to be assigned to a member(s) of the association, society, or the local Community Council. Councillors should not have signing authority on Area Rate Accounts.* MOTION PUT AND PASSED.

11. MOTIONS - NONE

12. ADDED ITEMS - NONE

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

Mr. Herman Pye, Keltic Gardens, made the following suggestions:

- Crosswalks be painted fluorescent yellow instead of painted white;
- Bicycles should be required to have lights;
- Public hearing speakers should be residents of HRM;
- Items brought forward to Community Councils should be provided for on the status sheet.

MOVED by Councillor Streach, seconded by Councillor Hines, that public enquiries made under public participation be included as status sheet items. MOTION PUT AND PASSED.

MOVED by Councillor Streach, seconded by Councillor Hines, that any presentation made to Community Council under the public participation process be made in writing so that it can be forwarded to appropriate staff to be addressed. MOTION PUT AND PASSED.

15. NEXT MEETING

The next meeting is scheduled for Monday, March 19, 2001 at 7:00 p.m. in the Musquodoboit Harbour Rural High Cafeteria.

16. ADJOURNMENT

MOVED by Councillor Hines, seconded by Councillor Streach, that the meeting be adjourned at 8:45 p.m. MOTION PUT AND PASSED.

**Julia Horncastle
Assistant Municipal Clerk**