



NORTH WEST COMMUNITY COUNCIL
Thursday, November 25, 2004

MINUTES

PRESENT: Deputy Mayor Len Goucher
Councillor Bob Harvey
Councillor Brad Johns

STAFF: Mr. Richard Harvey, Planner II
Mr. Wayne Anstey, Municipal Solicitor
Ms. Sheilagh Edmonds, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER	4
2.	ELECTION OF CHAIR	4
3.	APPROVAL OF MINUTES	4
4.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	4
5.	BUSINESS ARISING OUT OF THE MINUTES	5
5.1	STATUS SHEET ITEMS:	5
5.1.1	George Hepworth Park Designation	5
5.1.2	Gordon Court Residents - Noise Concerns	5
5.1.3	Harold T. Barrett School - Drainage Problem	5
5.1.4	Sackville Drive Secondary Planning Strategy	5
5.1.5	Home Occupations, Bedford	5
5.1.6	Extension of Water and Sewer Boundary - Beaver Bank	5
5.1.7	Union Street Flooding	6
5.1.8	Glenmount/Millview Servicing Issue	6
5.1.9	Sackville Waters Advisory Board	6
5.1.10	Policy P-71, Beaver Bank, Hammonds Plains and Upper Sackville MPS	6
6.	MOTIONS OF RECONSIDERATION	6
7.	MOTIONS OF RESCISSION	6
8.	CONSIDERATION OF DEFERRED BUSINESS	6
9.	HEARINGS	6
9.1	Public Hearings	6
9.1.1	Case 00693 - Amendments to Development Agreement - Atlantic Superstore in Bedford	6
9.2	Variance Hearings	8
10.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	8
10.1	Correspondence	8
10.1.1	Resignation Letter - Mr. Delphis Roy, NWPAC	8
10.2	Petitions	9
10.3	Presentations	9

11.	REPORTS	9
11.1	Appointments to Bedford Waters Advisory Board	9
11.2	Councillor Appointments to North West Planning Advisory Committee	9
11.3	Councillor Appointment to North West Transit Advisory Committee	9
11.4	Councillor Appointment to Membership Selection Committee	9
11.5	Councillor Appointment to Grants Committee	10
11.6	Purchase of Land for Springfield Lake Recreation Centre - Councillor Johns	10
12.	MOTIONS	10
13.	ADDED ITEMS:	
13.1	Report from North West Transit Advisory Committee - Amendment to Terms of Reference	10
13.2	Report from North West Transit Advisory Committee - Appointment	11
14.	NOTICES OF MOTION	11
15.	PUBLIC PARTICIPATION	11
16.	NEXT MEETING DATE	13
17.	ADJOURNMENT	13

1. CALL TO ORDER

The meeting was called to order at 7:05 p.m. in the Cafeteria at Basinview Drive School, 273 Basinview Drive, Bedford by the Legislative Assistant.

2. ELECTION OF CHAIR

The Legislative Assistant called for nominations for Chair of North West Community Council.

MOVED by Councillor Harvey, seconded by Deputy Mayor Goucher that Councillor Johns be nominated as Chair for a term to expire November 2005.

Councillor Johns accepted the nomination, and the **MOTION WAS PASSED.**

3. APPROVAL OF MINUTES

MOVED by Councillor Harvey, seconded by Deputy Mayor Goucher the minutes of regular meeting of September 30, 2004 and special meeting of October 26, 2004 be approved. MOTION PUT AND PASSED.

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

The following items were added to the agenda:

13.1 Report from North West Transit Advisory Committee - Amendment to Terms of Reference.

13.2 Report from North West Transit Advisory Committee - Appointment

MOVED by Deputy Mayor Goucher, seconded by Councillor Harvey the agenda, as amended, be approved. MOTION PUT AND PASSED.

5. BUSINESS ARISING OUT OF THE MINUTES:

5.1 STATUS SHEET ITEMS:

5.1.1 George Hepworth Park Designation

No update provided. The Legislative Assistant was requested to follow up with staff on this item.

5.1.2 Gordon Court Residents - Noise Concerns

No Update provided.

5.1.3 Harold T. Barrett School - Drainage Problem

The Chair advised that staff contacted the resident who raised the concern about the drainage problem and the issue is being resolved. This item is to be removed from the status sheet.

5.1.4 Sackville Drive Secondary Planning Strategy

Councillor Harvey advised that a revised traffic aspect pertaining to this matter has been put together by the Consultants, and that it would be coming forward in the near future to either Community Council or an open house.

5.1.5 Home Occupations, Bedford

Mr. Richard Harvey, Planner II, advised that a public information meeting that was scheduled for this week was cancelled do to a power outage in the building. He noted planning staff is working towards scheduling another one as soon as possible.

5.1.6 Extension of Water and Sewer Boundary - Beaver Bank

The Chair noted that the recent district boundary changes have resulted in Beaver Bank no longer being included within the North West Community Council area. He suggested, and Council agreed, it would be appropriate to forward this item to Marine Drive Valley and Canal Community Council. Forward item to MDV&CC and remove from status sheet.

5.1.7 Union Street Flooding

Deputy Mayor Goucher noted the ongoing problem and advised that he has requested a report from staff.

5.1.8 Glenmount/Millview Servicing Issue

Deputy Mayor Goucher advised this matter is moving ahead, adding that petitions are being

sent out this week to residents.

5.1.9 Sackville Waters Advisory Board

Councillor Johns indicated that he spoke recently with the Director of Planning and Development Services and he expects a report with the next month.

5.1.10 Policy P-71, Beaver Bank, Hammonds Plains and Upper Sackville MPS

No update was provided.

6. **MOTIONS OF RECONSIDERATION** - None

7. **MOTIONS OF RESCISSION** - None

8. **CONSIDERATION OF DEFERRED BUSINESS:** None

9. **HEARINGS:**

9.1 **Public Hearings:**

9.1.1 Case 00693 - Amendments to Development Agreement - Atlantic Superstore in Bedford

C Notice of Motion for this matter was given at an October 26, 2004 meeting of North West Community Council.

C A report dated October 7, 2004 from the Chair of North West Planning Advisory Committee with an attached staff report dated September 22, 2004 was before Community Council.

C A letter dated November 25, 2004 from Colin D. Piercey, Stewart McKelvey Stirling Scales was submitted.

Mr. Richard Harvey, Planner II, addressed Community Council and outlined the application from Loblaw Properties Limited to amend an existing development agreement to allow for an addition to the Atlantic Superstore in Bedford.

Mr. Harvey, using a site plan from the existing development agreement, explained that the application is for an addition which would allow up to a maximum footprint of 8000 sq. ft. He noted that the current square footage is 7,500 sq. ft. and that the changes include a reconfiguration of the loading bay areas, some of the parking, and inclusion of minor landscaping. Mr. Harvey briefly elaborated on the background of the existing development agreement and he pointed out that, if approved, the amended agreement will replace one site plan with the other and; in addition, some minor changes in the text of the actual contract

development will be made.

Mr. Harvey circulated revised copies of the site plan, noting it was different from the one attached to the staff report. He pointed out that the revised copy shows the seating area eliminated.

In conclusion, Mr. Harvey advised that staff have determined that the application meets the requirements in the Municipal Planning Strategy and are, therefore, recommending approval.

Deputy Mayor Goucher noted the submitted letter from Stewart McKelvey Stirling Scales, the solicitors of the owners of the adjacent mall, and pointed out they advised that Community Council should not be considering this matter because of a prior arrangement the Mall has with Loblaws. The Deputy Mayor indicated his understanding of the application under consideration this evening is that it is something separate and, if approved, does not impact on agreement between the mall and Loblaws as stated in the letter. Deputy Mayor Goucher asked the Municipal Solicitor for his advice.

Mr. Anstey concurred with Deputy Mayor Goucher, advising that the issues raised in the letter are extraneous to this application.

Mr. Harvey responded to questions of Council, and the Chair then called for anyone wishing to speak either for or against this application.

Mr. Walter Regan, representing Sackville Rivers Association referred to the proposed addition and suggested the parking lot should be lowered to increase flood capacity of the parking lot.

Ms. Shirley Towill, Union Street, Bedford, addressed Council and indicated that due to flooding issues of Union Street, any additional development of the area concerns her. She requested clarification on a particular aspect of the proposal, to which Mr. Harvey responded.

The Chair called three times for any additional speakers and, there being none, on a motion **MOVED by Deputy Mayor Goucher, seconded by Councillor Harvey, the hearing was closed.**

Prior to Council considering a motion, Mr. Harvey asked that the amendments he noted this evening be included in the motion, should Council decide approve to approve this application.

MOVED by Deputy Mayor Goucher, seconded by Councillor Harvey that North West Community Council:

- 1. Approve entering into the amending agreement to allow for the construction of an addition to the Atlantic Superstore; and in the amending agreement, replace in the Site Plan, Schedule "B" with the Site Plan referred to as Version**

2.9; change in the reference of Schedule "B" in the text of the amending agreement to refer to the Version 2.9 Site Plan; and insert the word "footprint" to clarify the size of the proposed addition.

2. Require that the amending agreement be signed within 120 days, or any extension thereof granted by Council on the request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever approval is later, including applicable appeal periods; otherwise, this approval will be void and obligations arising hereunder shall be at an end.

Deputy Mayor Goucher made reference to a drainage ditch beside the Union Street properties that is to be granted to HRM from Loblaws, and advised that he hoped this process would be completed soon.

MOTION PUT AND PASSED.

At 7:30 p.m. Mr. Anstey, Municipal Solicitor, retired from the meeting.

9.2 Variance Hearings: None

10. CORRESPONDENCE, PETITIONS AND DELEGATIONS:

10.1 Correspondence

10.1.1 Resignation Letter - Mr. Delphis Roy, NWPAC

- C A letter dated October 6, 2004 to the Chair of North West Planning Advisory Committee from Mr. Delphis Roy was submitted.

Referring to the submitted letter, the Chair advised that, due to recent boundary changes, Mr. Roy is no longer within the jurisdiction of North West Community Council and, therefore, he feels it appropriate to remove himself from Planning Advisory Committee.

A brief discussion ensued with Mr. Roy's commitment and service of 22 years to the Planning Advisory Committee being noted. Council agreed to accept, with regret, Mr. Roy's resignation.

Subsequently, it was **MOVED** by Deputy Mayor Goucher, seconded by Councillor Harvey that a letter be sent to Mr. Roy, expressing Council's sincere thanks for his service to the North West Planning Advisory Committee. **MOTION PUT AND PASSED.**

10.2 Petitions - None

10.3 Presentations - None

11. REPORTS:

11.1 Appointments to Bedford Waters Advisory Board

C A report dated November 18, 2004 from Sheilagh Edmonds, Legislative Assistant was submitted.

MOVED by Deputy Mayor Goucher, seconded by Councillor Harvey that North West Community Council approve the following reappointments to the Bedford Watershed Advisory Board:

Mr. Kevin Dean - term to expire November 2007

Mr. Cedric Pilkington - term to expire November 2007

Ms. Deborah Gillis - term to expire November 2007

Mr. Lem Murphy - term to expire November 2007

MOTION PUT AND PASSED.

11.2 Councillor Appointments to North West Planning Advisory Committee

It was agreed that Deputy Mayor Goucher and Councillor Johns would serve on the North West Planning Advisory Committee for a term to expire November 2005.

11.3 Councillor Appointment to North West Transit Advisory Committee

It was agreed Councillor Johns would serve on North West Transit Advisory Committee for a term to expire November 2005

11.4 Councillor Appointment to Membership Selection Committee

It was agreed that Councillor Johns will serve on the Membership Selection Committee for a term to expire November 2005.

11.5 Councillor Appointment to Grants Committee

It was agreed that Deputy Mayor Goucher will serve on the Grants Committee for a term to expire November 2005.

11.6 Purchase of Land for Springfield Lake Recreation Centre - Councillor Johns

Councillor Johns advised that he has spoken with staff on the possibility of purchasing a piece of land which is adjacent to the Springfield Lake Recreation Centre, and he was seeking Council's support in this regard.

MOVED by Councillor Johns, seconded by Deputy Mayor Goucher that staff of Real Property and Asset Management Services be requested to report back on the feasibility of purchasing a property adjacent to the Springfield Lake Recreation Centre in Middle Sackville.
MOTION PUT AND PASSED.

12. **MOTIONS** - None

13. **ADDED ITEMS:**

13.1 Report from North West Transit Advisory Committee - Amendment to Terms of Reference

C A report dated November 18, 2004 from the Chair of North West Transit Advisory Committee with regard to amending the terms of reference of the North West Transit Advisory Committee was submitted.

Councillor Johns noted the report was in response to the recent boundary changes.

MOVED by Deputy Mayor Goucher, seconded by Councillor Harvey that North West Community Council amend the Terms of Reference for the North West Transit Advisory Committee as follows:

1. Subsection 2.1 of Section 2 COMPOSITION, be revised from "*...shall be composed of eight (8) members,...*" to:

"...shall be composed of twelve (12) members..."
2. Subsection 2.2 of Section 2 COMPOSITION, be revised from "*...will consist of two (2) residents from each of the three (3) districts in the North West Region.....*" to:

"...will consist of three (3) residents from each of the three (3) districts in the North West Region..."
3. Approve the appointment of one (1) member from adjacent districts such as District 2 and District 22 as required.

A short discussion ensued with regard to a quorum, and the Chair pointed out that the recommendations were put forward with the understanding that the requirement for a quorum

would not change, i.e. **a quorum will remain as presently stated in the Committee's Terms of Reference, to which it was agreed.**

MOTION PUT AND PASSED.

13.2 Report from North West Transit Advisory Committee - Appointment

C A report dated November 18, 2004 from the Chair of North West Transit Advisory Committee regarding an appointment to the Committee was submitted.

MOVED by Deputy Mayor Goucher, seconded by Councillor Harvey that North West Community Council appoint Mr. John Merrick of District 21 as the representative serving District 21 on the North West Transit Advisory Committee. MOTION PUT AND PASSED.

14. **NOTICES OF MOTION** - None

15. **PUBLIC PARTICIPATION**

Mr. Walter Regan, Sackville Rivers Association

Mr. Regan asked two brief questions, to which Councillor Harvey responded.

Al Walker

Mr. Walker addressed Council and advised of the ongoing siltation problem in Millwood. He noted that he spoke with staff this afternoon and was advised that emergency controls were being put in place. He question what, if any, controls were in place, adding that the lack of enforcement is key to this issue.

The Chair noted that Council members received a copy of a response from Alex Quinn regarding this matter with an explanation of how it is being addressed, as a result of Mr. Walker raising it at Community Council's last meeting.

A discussion ensued concerning various measures which might be used to address the concerns of the siltation problems expressed by Mr. Walker, one of which being a grade alteration bylaw.

Following further discussion, **it was agreed** that Mr. Alex Quinn would be requested to attend the next meeting of North West Community Council for discussion on this issue.

The Chair advised that this matter—Grade Alteration Bylaw—would be placed on the status sheet.

Ed Grace, Lower Sackville

Mr. Grace posed questions concerning the prevention of gravel washing into the brook along Fenerty Road and in regard to updates on the sewer plant, to which Council members responded.

Shirley Towill, Bedford

Ms. Towill advised that the ditches along Union Street need to be cleaned of leaves. Deputy Mayor Goucher indicated he would contact staff and pass on this information.

Walter Regan, Sackville Rivers Association

Mr. Regan addressed Council again with regard to the following:

- C he noted the quick-thinking actions of a Metro Transit driver recently when the rear wheel came off a bus, and he suggested that his superiors should recognize this individual.
- C silt in the Little Sackville River

The Chair referred to Mr. Regan's concern about silt in the Little Sackville River and noted that this was something that could be addressed to Mr. Quinn when he attends the next meeting of Community Council.

Al Walker

Mr. Walker entered a brief discussion with the Council Members in regard to a concern he raised at a previous meeting about the damage caused by snow plows in clearing sidewalks and streets.

Ed Grace

Mr. Grace asked if staff were actively pursuing Policy P-71, noting that it has been on the status sheet for some time.

The Chair advised that he has heard nothing further on this matter.

In reference to the Status Sheet, the Chair suggested a change to help identify the length of time that items are on the sheet. He recommended including, not only the date that Council brings the matter forward, but subsequent dates that Council raises the matter. Council agreed to make this revision to the Status Sheet.

With regard to the Status Sheet item concerning Policy P-71, Beaver Bank, Hammonds

Plains and Upper Sackville MPS, it was noted that this matter has been on the Status Sheet since June of 2002. **It was agreed** that the Director of Planning and Development Services be requested to provide a status report on this matter.

Walter Regan, Sackville Rivers Association

Mr. Regan noted that the HRM Trail Group, of which Sackville Rivers Association is a member, will be presenting to Regional Council's Committee of the Whole, a request for three million dollars for trail construction for next year. He added that he hoped Community Council would support this request.

Ed Grace, Lower Sackville

Mr. Grace referred to the new culvert installed at the lower end of Fenerty Road, and noted that Councillor Johns was going to investigate the installation of grating. Mr. Grace advised that it has not been done and children are playing in the culvert.

The Chair asked the Legislative Assistant to forward him an e-mail and he would follow up on the matter.

Walter Regan, Sackville Rivers Association

Mr. Regan asked for updates regarding the 60 acre parcel of land in Second Lake and the Shopping Cart By-law, to which Councillor Harvey responded.

16. NEXT MEETING DATE

It was agreed the next meeting would be held Thursday January 27, 2005

17. ADJOURNMENT

Prior to adjourning the meeting, Councillor Johns congratulated Deputy Mayor Goucher on his recent election as Deputy Mayor.

Councillor Harvey expressed appreciation to Deputy Mayor Goucher for Chairing Community Council's meetings over the past year.

At 8:15 p.m. the meeting adjourned.

Sheilagh Edmonds
Legislative Assistant