



**HARBOUR EAST-MARINE DRIVE COMMUNITY COUNCIL
MINUTES
October 2, 2014**

PRESENT: Councillor David Hendsbee, Chair
Councillor Gloria McCluskey, Vice Chair
Councillor Bill Karsten
Councillor Lorelei Nicoll

REGRETS: Deputy Mayor Darren Fisher

STAFF: Ms. E. Roxanne MacLaurin, Senior Solicitor
Ms. Jennifer Weagle, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, supporting documents, and information items circulated to Community Council are available online: <http://www.halifax.ca/Commcoun/east/index.php>

The meeting was called to order at 6:12 p.m., and adjourned at 8:07 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at Cole Harbour Place, 51 Forest Hills Parkway, Cole Harbour, with the Invocation led by Councillor Nicoll.

2. APPROVAL OF MINUTES – August 26 (special) & September 11, 2014

MOVED by Councillor Nicoll, seconded by Councillor Karsten, that the minutes of the August 26 (special) & September 11, 2014 meetings be approved, as circulated. MOTION PUT AND PASSED.

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

Community Council agreed to address agenda item 9.3.1 2015-16 Budget Consultation as the first order of business.

MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that the agenda be approved as amended. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTIONS OF RESCISSION – NONE

7. CONSIDERATION OF DEFERRED BUSINESS – NONE

9.3.1 2015-16 Budget Consultation

The following information was before Community Council:

- A copy of the staff presentation
- The 2015-16 Budget FAQ book

Mr. Bruce Fisher, Manager, Financial Policy and Planning, introduced Ms. Barb Wilson, Budget Coordinator, who presented to Community Council an overview of the 2015/16 budget consultation process. The presentation is on file and online.

Councillor Hendsbee inquired whether there was any opportunity to extend the consultation process to the middle of December. Ms. Wilson indicated that if the budget allocator tool is in high demand, staff could consider extending the contract. Councillor Hendsbee noted that rural residents are largely dependent on notices in traditional community newspapers, which have already been published for the month.

Councillor McCluskey asked for a breakdown within the commercial taxes of how many small businesses are included. Mr. Fisher indicated that staff can tell the value of the property, but they have no way of telling if it is a small business, and that he would forward this information to the Councillor.

Councillor Karsten suggested that the municipality's strong financial indicators be added to the frequently asked questions section of the engagement page to share that information with residents.

At the request of Councillor Nicoll, Ms. Wilson indicated that approximately 7500 people viewed the budget allocator tool last year, with approximately 400 completing the exercise.

Ms. Wilson encouraged residents to complete a comment card available at the table.

The Chair opened the floor for those wishing to provide comment on the 2015-16 budget.

Mr. Colin May, Dartmouth, commented on developers benefiting from the sale of grossly under-assessed properties, with the municipality losing out on tax money. He suggested that the provincial or municipal auditors general should undertake a review of the topic. Mr. May commented that he visited the budget allocator tool last year and thought it too simplistic.

Ms. Gerry Irwin, Cole Harbour, commented that in regard to the 32% of household tax funding going to payments to the province and school boards, inquired whether the province reimburses the municipality for the collection and re-allocation of that revenue.

Mr. Fisher indicated that the municipality is required by law to allocated funding to the school board.

Ms. Irwin suggested that since the municipality has a strong financial standing, instead of holding the tax rate, Council approve a reduction in the tax rate.

Mr. Fisher clarified that the tax rate has been reduced in 12 or 13 of the last 14 years.

No further speakers came forward at this time.

8. HEARINGS

8.1 PUBLIC HEARINGS

8.1.1 Case 19092: Amendment to the C-4 (Highway Commercial) Zone of the Cole Harbour/ Westphal Land Use By-law

The following was before Community Council:

- A staff recommendation report dated August 13, 2014.

Ms. Erin MacInryre, Planner, presented Case 19092, an application to amend the Cole Harbour/Westphal Land Use By-law (LUB) to enable a car wash as a permitted use in the C-4 (Highway Commercial) Zone. Ms. MacIntyre indicated that the applicant passed on regrets that they were unable to attend this meeting.

Mr. Robin Godfrey, Dartmouth, indicated that he has no problem with adding the car wash use to the C-4 zone, although it was his understanding that sewer was required for a car wash, or the ability to treat waste water. He noted that there is municipal water but no sewer at that end of Main Street. He inquired how the applicant would treat waste water from the car wash.

Ms. Alma Johnston Tynes, Humber Park, commented that the site of the proposed car wash is at the entrance of the black community of Cherry Brook. She noted that this will increase traffic going into and going out of an area that is already dangerous and noted concerns for many residents that walk near the Westphal trailer court. Ms. Johnston Tynes commented that a number of businesses along that area of Main street are unsightly and adding a car wash to the area will not help the outlook of the community.

The Chair called three times for any further speakers. Hearing none, it was **MOVED by Councillor McCluskey, seconded by Councillor Karsten, that the public hearing be closed. MOTION PUT AND PASSED.**

At the request of members, Ms. MacIntyre clarified that at the time the Land Use By-law (LUB) was prepared, car washes were only ever proposed in conjunction with service stations. She noted a marked increase in car washes as a stand-alone use over the past 10-15 years, although the LUB was never amended to reflect that. Ms. MacIntyre indicated that any applications for car washes would be reviewed by HRM traffic and development engineers, and the proposals would not be allowed to affect any adjacent properties. Ms. MacIntyre clarified that if the amendment to the LUB were approved, a car wash could be built as an as-of-right development.

Ms. MacIntyre clarified at the request of members that this stage is to amend the LUB to permit car wash uses. Should the amendments be approved, any future proposals for car washes would be considered through the permitting process. She further clarified that there are no specific proposals for car washes at this time, and is therefore unable to answer any questions specific to waste water treatment, noting that it would be a part of the permitting review.

Councillor Nicoll noted concern with the location, pointing out that it is on a hill and water from a car wash could run into the intersection and freeze. She suggested that notification of this application should have been extended further to more residents on Riley Road, who use that intersection the most.

At the request of Councillor Nicoll, Ms. MacIntyre commented on preliminary plans for the site, noting that the proposal is to replace the existing building with ground floor commercial and residential above. She noted that wash bays will be toward the rear of the property, perpendicular to Riley Road.

Councillor Hendsbee commented on the traffic egress on the subject property, commenting that he would prefer egress to come off Riley Road than the highway.

Responding to questions from Councillor McCluskey, Ms. MacIntyre clarified that above ground water is the jurisdiction of HRM development engineering, and below ground water would be the jurisdiction of Halifax Water.

MOVED by Councillor Nicoll, seconded by Councillor Karsten, that Harbour East-Marine Drive Community Council approve the proposed amendment to the Cole Harbour/Westphal Land Use By-law to add 'Car Washes' to the list of permitted commercial uses in the C-4 (Highway Commercial) Zone, as contained in Attachment A of the August 13, 2014 report.

Councillor Nicoll reminded residents to call 3-1-1 to report dangerous or unsightly properties.

MOTION PUT AND PASSED.

8.1.2 Case 19115: Development Agreement for 1 Circassion Drive, Cole Harbour

The following information was before Community Council:

- A staff recommendation report dated August 15, 2014.

Mr. Carl Purves, Major Projects Planner, presented case 19115, an application jointly between the Nova Scotia Home Builders' Association and Housing Nova Scotia for a development agreement to construct eight dwelling units within two buildings on a single property.

Responding to questions from Councillor McCluskey, Mr. Purves clarified that the application is not considered row houses because they are on a single property. He noted that although they take a row house form, row houses would be on subdivided separate properties.

Noting concern with stormwater management, Councillor McCluskey noted that a brook runs alongside the nearby church. Mr. Purves showed the direction of the stormwater run-off, noting that there is a fair amount of green space for water to permeate into the ground. He commented that adjacent residential properties should experience no change, and this will be confirmed by the development engineer.

Mr. John Doucet, of John Doucet Architects, advised that he was retained by Housing Nova Scotia for this application. Mr. Doucet presented the application, including the location, photos of the site, and a site plan. With regard to stormwater management, Mr. Doucet indicated that the parking lot will be tipped slightly so that water runs into a culvert on Circassion Drive. He indicated that an engineer reviewed flow rates, and anticipated that they will be equal to current rates. Mr. Doucet explained that the rationale behind the size of the units is to allow for an affordable unit, and indicated that each unit will have its own front door with parking adjacent to each unit. He noted that the proposal is for eight, two bedroom units,

with the option of expanding into the basement to accommodate growing families. He pointed out that a garbage and recycling building will be located at the back of the site. Mr. Doucet noted that the development would be connected to the existing bikeway, and will have community amenity space, with benches and a screened treed area with flowering trees. He reviewed the floor plans, and commented that the exterior will be consistent with houses in the area and will have energy efficient white vinyl windows.

Responding to a question from Councillor Hendsbee, Mr. Doucet indicated that larger trees on site will be retained if possible, and extensive new plantings will be done.

Councillor Nicoll noted concern sight lines for traffic with the proposed blue spruce screen area in the outdoor amenity space.

The Chair called three times for anyone wishing to speak on this matter. Hearing none, it was **MOVED by Councillor McCluskey, seconded by Councillor Karsten, that the public hearing be closed. MOTION PUT AND PASSED.**

MOVED by Councillor Nicoll, seconded by Councillor Karsten, that Harbour East-Marine Drive Community Council:

- 1. Approve the proposed development agreement as set out in Attachment A of the August 15, 2014 report to permit a Multi-Unit Residential Development containing 8 Dwelling Units at 1 Circassion Drive, Cole Harbour; and**
- 2. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later, otherwise this approval will be void and obligations arising hereunder shall be at an end.**

Councillor Nicoll commented on the history of the property, noting that it is an extension of the Forest Hills Subdivision.

Councillor Karsten spoke in support of the proposal, commending the applicant for developing affordable housing. He commented that there is low lying land in that area, and there was flooding in the area. He suggested that the culvert be kept clear to prevent flooding.

MOTION PUT AND PASSED.

8.1.3 2014 Municipal Boundary Review

The following information was before Community Council:

- An Information Report to the August 5, 2014 session of Regional Council dated July 21, 2014.
- A copy of the staff presentation.

Ms. Cathy Mellett, Municipal Clerk provided a presentation pertaining to the 2014 Municipal Boundary Review.

The Chair thanked Ms. Mellett for her presentation and asked for any questions of clarification from members. There were no questions from members of Harbour East-Marine Drive Community Council at this time.

The Chair opened the floor for members of the public to come forward and address Community Council on the topic of the 2014 Municipal Boundary Review. The Chair called 3 times for any speakers. Hearing none, it was **MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that the public hearing be closed. MOTION PUT AND PASSED.**

Councillor Hendsbee noted that district boundaries were discussed at a neighbourhood meeting in the Salmon River area the previous evening, and that comments may be forthcoming from residents of that area. He noted that the residents were advised of the opportunity for to speak on the matter at this meeting. Ms. Mellett welcomed any correspondence on the topic.

8.2 VARIANCE APPEAL HEARINGS

8.2.1 Case 19371: Appeal of Variance Refusal – 19 Graham Street, Dartmouth

The following was before Community Council:

- A staff recommendation report dated September 10, 2014.
- A copy of the staff presentation.

Mr. Andrew Faulkner, Development Officer, presented the appeal of the Development Officer's decision to refuse a request for a variance to relax the minimum required side yards to permit the site to be developed with a new semi-detached dwelling.

Responding to questions from Councillor McCluskey, Mr. Faulkner clarified that the Land Use By-law does permit a two unit dwelling.

In response to a question from Councillor Hendsbee, Mr. Faulkner clarified that any lot created after 2001 requires an 8 foot setback.

Mr. Mike Owen, 17 Graham Street, spoke against the appeal, and requested that the appeal be dismissed. He suggested that the property owners were aware of the rules when the land was subdivided in 2010. Mr. Owen commented on the four foot elevation difference between #17 and #19 Graham Street, and indicated that if a four foot setback were permitted it would create a six foot difference and have a negative effect on #17. Mr. Owen commented that the proposal is against the make-up of the neighbourhood, and he also has concern with stormwater run-off.

Ms. Rayleen Hill, 18 Graham Street, commented that she is in favour of densification, although she noted that variances can only be granted when not precedent setting, and this proposal would set a precedent as it would be the only property in the neighbourhood with such a setback.

The Chair called three times for any further speakers. Hearing none, it was **MOVED by Councillor Nicoll, seconded by Councillor Karsten, that the appeal hearing be closed.**

Ms. Roxanne MacLaurin, Senior Solicitor, reminded members that the motion must be in the affirmative.

MOVED by Councillor McCluskey, seconded by Councillor Karsten, that Harbour East-Marine Drive Community Council grant the appeal and overturn the decision of the development officer to refuse the variance.

Councillor Karsten commented that he is in support of densification in the urban core where services already exist, although in this case he is against the motion. He believes that the Appellant knew what was permitted when he purchased the property. Councillor Karsten suggested that there are other options for what can be built on the property.

Councillor McCluskey spoke against the motion, noting that she is not in favour of infill lots.

Responding to questions from Councillor Hendsbee, Mr. Faulkner commented that each variance application is treated as a unique application. He further clarified that if the property owner would have the right to reapply with a different application.

MOTION DEFEATED.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

9.3 Presentation

9.3.1 2015-16 Budget Consultation

This item was addressed earlier in the meeting. Refer to page 2.

10. REPORTS

10.1 STAFF

10.1.1 Appointment of a Community Council Representative to the Selection Committee for the Naming Contest for Two New Harbour Ferries

The following was before Community Council:

- A staff recommendation report to Regional Council dated August 6, 2014

MOVED by Councillor Nicoll, seconded by Councillor Karsten, that Harbour East-Marine Drive Community Council appoint Councillor McCluskey to the Selection Committee for the Naming Contest for Two New Harbour Ferries.

Councillor McCluskey accepted the nomination.

MOTION PUT AND PASSED.

11. MOTIONS - None

12. IN CAMERA - None

13. ADDED ITEMS - None

14. NOTICES OF MOTION - None

15. PUBLIC PARTICIPATION

Mr. Colin May, Dartmouth, commented that the Provincial appointee to the Board of Police Commissioners, who was also Chair of the Board, recently moved away leaving open a position on the Board. Mr. May indicated that he had emailed the Minister of Justice encouraging the appointment of visible minorities to police commissions. He also indicated that he had spoken with Mayor Savage during a call in show on CBC radio, and urged him to commit to a new process for appointments to board and committees in Halifax to proactively seek out individuals instead of relying on an advertisement calling for applications.

16. DATE OF NEXT MEETING – November 13, 2014

The next regular meeting of Harbour East-Marine Drive Community Council will be held on Thursday, November 13, 2014, 6:00 p.m., Nantucket Room, Dartmouth Sportsplex, 110 Wyse Road, Dartmouth.

17. ADJOURNMENT

The meeting was adjourned at 8:07 p.m.

Jennifer Weagle
Legislative Assistant