

HARBOUR EAST-MARINE DRIVE COMMUNITY COUNCIL
SPECIAL MEETING MINUTES

August 19, 2013

PRESENT: Councillor Darren Fisher, Chair
Councillor David Hendsbee, Vice Chair
Councillor Lorelei Nicoll
Councillor Gloria McCluskey

REGRETS: Councillor Bill Karsten

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

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1. CALL TO ORDER

The Chair called the meeting to order at 9:00 a.m., in the Dartmouth Chamber, 90 Alderney Drive, Dartmouth.

2. APPROVAL OF MINUTES – June 6 & July 4, 2013

MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that the Harbour East-Marine Drive Community Council minutes of June 6 & July 4, 2013 be approved as circulated. MOTION PUT AND PASSED.

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

Addition:

5.1 Status of Seven Lakes Development Agreement & Clarification

Community Council and staff discussed that there may be a need to move in camera to consider this added item if Community Council is seeking legal advice on the matter.

Ms. Cathy Mellett, clarified that HRM legal staff can only provide legal advice to Community Council during an in camera session, and the developer will not be permitted to be present.

It was also noted that a 2/3 majority vote is required to add an item to a special meeting agenda.

MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that the order of business be approved, as amended. MOTION PUT AND PASSED UNANIMOUSLY.

4. REPORTS

4.1 Councillor Appointment to Ferry Naming Contest Panel

The Metro Transit Ferry Naming Contest rules and regulations were before Community Council.

MOVED by Councillor Nicoll, seconded by Councillor Hendsbee, that Harbour East-Marine Drive Community Council appoint Councillor McCluskey to the panel that will develop a finalist list of ferry name submissions for residents' votes. MOTION PUT AND PASSED.

5. ADDED ITEMS

5.1 Status & Clarification of Seven Lakes Development Agreement – Councillor Hendsbee

Councillor Hendsbee commented that parties are at an impasse in the process to have the development agreement signed and registered for the Seven Lakes development in Porters Lake. He explained that there is a discrepancy with regard to a $\frac{3}{4}$ acre parcel of land at the Mosher Road end of the site that has been conveyed to another owner during the approvals process. He noted that this conveyance was based on a prior agreement between the developer and another party. Councillor Hendsbee noted that the Schedule A property description shows that this parcel is excluded from the development lands, although the document was not included in the development agreement provided to Community Council. He further noted that maps and other appendixes used during the approval process did show the parcel as included in the development lands. He suggested that this should be considered a non-substantive amendment to the development agreement to allow this matter to move forward.

Councillor Hendsbee outlined the options put forward by staff to remedy the situation, as follows:

1. A new public hearing be advertised and conducted by Community Council, for a new development agreement with the subject land removed.
2. The developer could have the owner of the subject parcel sign the development agreement and then the developer could at a later date apply for an amendment to have the parcel removed from the development agreement;
3. The developer could purchase back the parcel from the current owner which would enable the developer to sign the approved development agreement.

Ms. Kelly Denty, Manager, Development Approvals, commented that the issue is that the public hearing was advertised based on the schedules which showed the parcel in question as a part of the larger development site. Staff suggest holding another public hearing, re-advertising with the correct schedule as the terms of the development agreement cannot be signed or registered as is.

Councillor Hendsbee requested that Community Council have an opportunity to hear from the developer on this matter. Ms. Karen Brown, Acting Director, HRM Legal Services, advised against allowing the developer to address Community Council, noting that there is case law against allowing submissions after the public hearing is closed.

MOVED by Councillor Nicoll, seconded by Councillor McCluskey, that Harbour East-Marine Drive Community Council rise and go into a private In Camera session, in accordance with Section 19 of the Halifax Regional Municipality Charter, for the purpose of discussing this Legal Matter.

Community Council rose and moved In Camera at 9:12 a.m.

The public session reconvened at 9:43 a.m.

Staff clarified that, following discussions during the In Camera session, Community Council and staff are in agreement that the following course of action should take place:

1. Staff will prepare a report regarding the matter and recommending First Reading and to schedule a public hearing.
2. The developer can work with the other party with the intent of resolving the matter.
3. The staff report will come to Community Council at the September meeting, and unless the developer is able to resolve the matter with the other party, First Reading will be given.
4. Community Council is open to setting a Special meeting or utilizing the September 19, 2013 meeting date already scheduled to hold a public hearing.

6. NEXT MEETING DATE – September 5, 2013

The next meeting of Harbour East-Marine Drive Community Council is scheduled for Thursday, September 5, 2013 at 6:00 p.m. at the Dartmouth Chamber, 90 Alderney Drive, Dartmouth.

7. ADJOURNMENT

The meeting was adjourned at 9:48 a.m.

Jennifer Weagle
Legislative Assistant

INFORMATION ITEMS – None
