

HARBOUR EAST COMMUNITY COUNCIL

MINUTES

November 12, 2009

PRESENT: Councillor Gloria McCluskey, Chair
Councillor Bill Karsten
Councillor Lorelei Nicoll
Councillor Jackie Barkhouse
Councillor Jim Smith
Councillor Darren Fisher

STAFF: Ms. Roxanne MacLaurin, Municipal Solicitor
Ms. Melody Campbell, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 6:00 p.m. at the Halifax Regional School Board Council Chambers, Alderney Drive, Dartmouth.

2. APPROVAL OF MINUTES - October 1, 2009

MOVED BY Councillor Karsten, seconded by Councillor Nicoll, that the minutes of October 2, 2009, as presented, be approved. MOTION PUT AND PASSED.

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

Additions:

- 12.1 Councillor Karsten - Request information on moving a signalized sidewalk
- 12.2 Councillor Barkhouse - Reduction in the frontage requirements for serviced lots within the jurisdiction of Harbour East Community Council

MOVED BY Councillor Karsten, seconded by Councillor Fisher, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet Review

4.1.1 Comprehensive Development Districts - Eastern Passage

This item is to remain on the Status Sheet.

4.1.2 Sound Barrier Fence - Woodland Avenue

This item is to remain on the Status Sheet.

4.1.3 Renaming Autoport Avenue - Eastern Passage

This item is to remain on the Status Sheet.

5. **MOTIONS OF RECONSIDERATION - NONE**

6. **MOTIONS OF RESCISSION - NONE**

7. **CONSIDERATION OF DEFERRED BUSINESS**

8. **HEARINGS**

8.1 **Public Hearing**

8.1.1 **Case 01299 Amending Agreements - Greenvale School, 130
Ochterloney Street**

- A staff report dated August 20, 2009 was before Council

Mr. Darrell Joudrey, Planner presented the report to Council.

Following the presentation, in response to question by Councillor Karsten, staff advised that the report sent to Regional Council and the motion passed by Regional Council regarding the chimney was based on the Heritage Property Act only.

Following clarification by members of Council, Councillor McCluskey called three times for any speakers wishing to speak either in favour of or in opposition to the proposal. Hearing none, the following motion was placed:

MOVED BY Councillor Karsten, seconded by Councillor Smith, that the public hearing close. MOTION PUT AND PASSED.

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

1. **Approve the proposed amending agreement for the substantive matter of changes to the window openings on the existing building, as set out in Attachment B of the staff report dated August 20, 2009 and add to the Amending Agreement an additional provision that removes the chimney fro the list of character defining elements and from any Schedule;**
2. **Require the agreement be signed and delivered within 120 days from the date of delivery of documentation to the applicant for execution, or any**

extension thereof granted by Community Council on request of the Applicants, from the date of final approval of said agreement by Community Council and any other bodies as necessary, whichever is later, including any applicable appeal periods; otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

MOTION PUT AND PASSED.

8.2 Variance Hearing

8.2.1 Appeal of the Development Officers decision to refuse a Variance application at 230 Brownlow Avenue, Dartmouth

- A report dated November 5, 2009, on the above noted, was before Council

Mr. Mark Inness, Development Technician, presented the report to Council.

Following the presentation, the following clarification was provided to Council:

- if Council supports the staff recommendation, the sign would have to be moved to accommodate a 4.6 metre setback
- Mattell applied for the sign permit
- staff are unsure when the sign was erected
- it is anticipated that there is enough room for a sidewalk if the sign remains in its current location

Councillor McCluskey, called for those who were eligible to and wished to speak to come forward.

Mr. Gordon Parsons, the Armour Group, advised Council that he received a preliminary permit on October 25, 2007 in order to start the construction of a foundation. He noted that a revised permit was issued November 28, 2007, which superceded the preliminary permit. He advised that all drawings were submitted at this time. He added that the base was installed prior to the sign noting that the sign was installed in the fall of 2008. He assumed that the building permit included the approval for the sign.

In response to a question by Councillor Karsten, Mr. Parsons advised he was not aware that a separate permit was required for the sign.

Councillor McCluskey called for any additional speakers. Hearing none, the following motion was placed.

MOVED by Councillor Nicoll, seconded by Councillor Barkhouse that the hearing be

closed. MOTION PUT AND PASSED.

MOVED by Councillor Smith, seconded by Councillor Nicoll, that Harbour East Community Council overturn the Development Officers decision and to grant the variance.

Councillor Smith added that staff must follow the procedures put in place, although he noted that there is a genuine misunderstanding of the requirements by the appellant on the procedures regarding the sign installation.

Councillor Karsten noted that the sign does fit the surrounding landscaping. He added that it is the responsibility of the property owner to know the procedures before moving ahead with any project.

MOTION PUT AND PASSED.

9. CORRESPONDENCE AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

10. REPORTS

10.1 Staff Reports

10.1.1 Case 01335 - Amending Agreement, King's Wharf Phasing Schedule

- A staff report dated October 14, 2009 was before Council

MOVED BY Councillor Smith, seconded by Councillor Barkhouse, that Harbour East Community Council:

- 1. Approve, by resolution of Council, the non-substantive amendment to the Stage 1 development agreement for King's Wharf to amend the phasing schedule for the project as set out in the proposed amending agreement included as Attachment "A" of the staff report dated October 14, 2009; and**
- 2. Require the 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, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

10.1.2 Case 01270 - Discharge of Heritage Hills Development Agreement

- A staff report dated October 30, 2009 was before Council.

**MOVED BY Councillor Barkhouse, seconded by Councillor Karsten, that Harbour East Community Council approve the discharging resolution as set out in Attachment “A” of the staff report dated October 30, 2009, for those lands located within the Heritage Hills development as shown on Map 1.
MOTION PUT AND PASSED.**

10.1.3 Case 01336 - Amending Agreement, Russell Lake West

- A staff report dated November 2, 2009 was before Council.

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

1. Approve, by resolution of Council, the establishment of 18 freehold townhouse units in Block 1, as shown on the amendment Schedule VIII and illustrated on Schedule VII(ii), as contained in Attachment “A” to the staff report dated November 2, 2009.
2. Require the agreement be signed within 120 days, or any extension thereof granted by Council on request to the applicant, 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.

MOTION PUT AND PASSED.

10.2 Members of Council

10.2.1 Councillor Fisher - Request Amendment to the Land Use By-law re: Home based tattoo parlour businesses

MOVED BY Councillor Fisher, seconded by Councillor Karsten, that Harbour East Community Council request a staff report direct staff to initiate the

amendment process for the Dartmouth Land Use By-law to prohibit tattoo parlours as a home based business. MOTION PUT AND PASSED.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Councillor Karsten - Request information on moving a signalized sidewalk

MOVED BY Councillor Karsten, seconded by Councillor Nicoll that Harbour East Community Council request an information report requesting the Traffic Authority investigate the possibility of moving the signalized crosswalk from Portland Street & Bel Ayr Avenue intersection to the existing traffic lights at Portland Street at the entrance of the Metro Transit Terminal. MOTION PUT AND PASSED.

12.2 Councillor Barkhouse - Reduction in the frontage requirements for serviced lots within the jurisdiction of Harbour East Community Council

MOVED BY Councillor Barkhouse, seconded by Councillor Karsten, that Harbour East Community Council direct staff to initiate the amendment process for the Regional Subdivision By-law to allow a reduction in the frontage requirements for serviced lots within the jurisdiction of Harbour East Community Council that have more than one main building on an area of land. MOTION PUT AND PASSED.

13. NOTICES OF MOTION

13.1 Councillor Karsten

Take Notice that, at the next regular meeting of Harbour East Community Council of December 3, 2009, I intend to introduce a motion to rescind the motion that Council approved on March 5, 2009, under item 10.2 relative to Group Homes.

I also intend to introduce a new motion directing staff to initiate a planning process to address concerns related to Group Homes in the Dartmouth plan area through amendments to the Land Use By-law.

14. PUBLIC PARTICIPATION

Mr. Tim Olive, Dartmouth, advised Council that many residents in his area are putting leaves in plastic garbage cans and filling their green bins with over 25% of garden waste; this policy is not permitted nor is it enforced. He advised that the policy relating to garden waste in garbage cans and green bins should be reviewed. He noted that the requirement is to put garden waste in clear or coloured bags for collection, adding that this policy should be enforced.

Mr. Olive, on behalf of the Downtown Dartmouth Business Commission, commended Councillor McCluskey, Councillor Karsten, Harbour East Community Council, and Regional Council on the success of establishing the future use of the Alderney Drive School Board Building as a museum in the creation of a cultural cluster. He added that this will provide positive growth for the area.

15 NEXT MEETING - December 3, 2009

16. ADJOURNMENT

The meeting adjourned at 7:10 p.m.

Melody Campbell
Legislative Assistant