

HARBOUR EAST COMMUNITY COUNCIL
MINUTES

September 15, 2011

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

STAFF: Ms. Krista Vining, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 6:00 p.m. with invocation being lead by Councillor Fisher.

2. APPROVAL OF MINUTES – July 7 & August 4, 2011

MOVED by Councillor Nicoll, seconded by Councillor Fisher that the Harbour East Community Council minutes of July 7, 2011 and August 4, 2011 be approved, as distributed. MOTION PUT AND PASSED.

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

12.1 Councillor Karsten – Discussion re: Date for November Meeting

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

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet

4.1.1 Ball Hockey Rink - Leaman Drive

Report forthcoming. Item to remain on the Status Sheet.

4.1.2 Sculpture Park - Dartmouth Waterfront

Project ongoing. Item to remain on Status Sheet.

4.1.3 Dartmouth Lakes Advisory Board – HRM's Stormwater Management Functional Plan

Information report received (refer to Info Item #1). Item removed from the Status Sheet.

4.1.4 Project 1286: Dartmouth Main Street Plan Review

Project ongoing. Report forthcoming. Item to remain on the Status Sheet.

4.1.5 Temporary Accessory Shelters in Dartmouth

Report forthcoming. Item to remain on the Status Sheet.

4.1.6 Case 16568: LUB Amendments – Larger Accessory Buildings

Staff report received (refer to Item 10.1.4). Item removed from the Status Sheet.

4.1.7 Dartmouth Common Master Plan

Report forthcoming. This item to remain on the Status Sheet.

4.1.8 C1 zoning and permitted uses – Cole Harbour Planning Area, Dartmouth

Report forthcoming. This item to remain on the Status Sheet.

- 5. **MOTIONS OF RECONSIDERATION – None**
- 6. **MOTIONS OF RESCISSION – None**
- 7. **CONSIDERATION OF DEFERRED BUSINESS – None**

8. HEARINGS

- 8.1 **Public Hearings - None**
- 8.2 **Variance Appeal Hearings – None**

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

- 9.1 **Correspondence - None**
- 9.2 **Petitions – None**
- 9.3 **Presentation – None**

10. REPORTS

10.1 Staff

10.1.1 Case 16570 – MPS and LUB Amendments for Quonset Huts, Cole Harbour/Westphal

A staff report dated July 29, 2011 was before Community Council.

MOVED by Councillor Nicoll, seconded by Councillor Karsten, that Harbour East Community Council recommend that Halifax Regional Council:

- 1. **Give First Reading and schedule a Public Hearing to consider amendments to the Cole Harbour/Westphal Municipal Planning Strategy and Land Use By-law as set out in Attachments A and B of the July 29, 2011 report; and**
- 2. **Approve the proposed amendments to the Cole Harbour/Westphal Municipal Planning Strategy and Land Use By-law as set out in Attachments A and B of the July 29, 2011 report in order to restrict Quonset huts in serviced residential zones.**

MOTION PUT AND PASSED.

10.1.2 Case 16988 – Development Agreement for 216 Main Street, Dartmouth

A staff report dated September 1, 2011 was before Community Council.

MOVED by Councillor Fisher, seconded by Councillor Nicoll, that Harbour East Community Council Give First Reading to consider the proposed development agreement as set out in Attachment A of the September 1, 2011 report and schedule a public hearing. MOTION PUT AND PASSED.

Public Hearing scheduled for October 6, 2011.

10.1.3 Case 16986 – Telecommunication Tower, Cole Harbour Road, Cole Harbour

The following was before the Community Council for consideration:

- A staff report dated September 1, 2011
- Submissions from Don & Audrey Fahie, Premier Darrell Dexter, The Executive of ABCH, Ramya Samarasekera, Jonathan Bishop, Kelly Dillman and Robert Chisholm, MP, Dartmouth-Cole Harbour
- A petition against the proposed tower containing 1,132 names
- A petition against the proposed tower containing 336 names
- A petition against the proposed tower containing 57 names
- A petition against the proposed tower containing 94 names
- A petition against the proposed tower containing 35 names
(Petitions total 1,654 names)

Mr. Darrell Joudrey, Planner, Community Development delivered a presentation respecting Case 16986 – Telecommunication Tower, Cole Harbour to the Community Council.

Staff responded to a question of clarification on the location of the existing telecommunication tower at 1412 Cole Harbour Road.

MOVED by Councillor Nicoll, seconded by Councillor Fisher that Harbour East Community Council forward a negative recommendation to Industry Canada in relation to the proposal by Bragg Communications Inc. for a proposed 40 metre self supporting telecommunication tower and associated equipment shelters at 1000 Cole Harbour Road, Cole Harbour.

In response to a question raised by Councillor Nicoll regarding policies for communication towers in HRM, staff indicated that there are policies which apply to Halifax Peninsula that address telecommunication towers. However, there are no policies in place for most of the former County of Halifax planning areas. For this development, staff reviewed the compatibility of existing land use policies and criteria

for establishing a new land use between commercial and residential uses. Staff is currently preparing a functional plan under the Regional Municipal Planning Strategy. Further clarification was provided that the former County of Halifax required a Development Agreement for telecommunication towers, and the former Town of Bedford had rezoning policy in place. HRM presently follows the processes set by Industry Canada, as they have jurisdiction. It was noted that there were no policies in place for the former City of Dartmouth.

Further points noted by staff:

- The Community Council's recommendation will be forwarded to Industry Canada for their information, which provides Industry Canada with the community input; Industry Canada makes the final decision
- there is the possibility with a negative recommendation that a stakeholder could request an impasse (dispute resolution)
- There is an application fee and advertising deposit for telecommunication towers

During the discussion, the Community Council raised the following points and concerns:

- Concern with the lack of policy in place; having to review on a case by case basis
- Regulations/guiding policy needs to be put in place to assist the Community Council in its decision making for telecommunication tower applications
- Concern that the issue has become politicized; emotion needs to be removed and focus on the concrete information
- It is unfortunate that this process does not include a public hearing, which would provide the community with the opportunity to engage in dialog and have questions answered
- Staff to identify the reference for the following statement outlined in the petition submitted to Harbour East Community Council:
The National Research Council of Canada have issued a report stating their belief that cell towers should NOT be placed within 500 metres of residential properties, schools, hospitals and daycares. The safety zone should be at least 1,000 metres similar to some European countries...
- the community suggests that there are health risks associated with cell towers
- Submission received from Robert Chisholm, MP, Dartmouth-Cole Harbour suggests that there are alternative locations
- Concern with the rationale for some of the concerns addressed in the Petition and correspondence received (ie. compatibility problems, visual effects, health risks)

Staff indicated that the following information would be forwarded to Industry Canada for consideration:

- The Community Council's recommendation
- A copy of the September 1, 2011 staff report
- Copies of petitions and submissions (communication) received by the Community Council

- An extract of the Community Council's minutes respecting this discussion (optional)

Further questions, concerns and points raised:

- Concern with names on the petition from residents who do not live in community or HRM; how Industry Canada representatives will identify locations outside of the community in question
- Concern with the suggested Portland Hills Terminal, identified in the September 1st staff report as an alternate location; on an average daily basis there are approximately 4,342 HRM residents within 150 metres of Terminal
- There is confusion between mono tower versus stealth tower
- Whether camouflaging has been discussed with the community
- Whether this matter can be deferred to obtain more information from staff
- Concern with the lack of information/history of poles falling or blowing over; Identify the percentage of poles that fall down or blow over on average per decade in Canada

It was noted that stealth poles are the same as mono poles as they are single poles without a tripod effect at the base of the pole. Staff has not been able to find a definitive answer on the percentage of poles that fall down or blow over. It was further noted that discussions have been held with Eastlink respecting the Portland Hills Terminal; however, it has been identified that the tower would have an impact on surrounding cell towers.

Councillor Nicoll commented that Eastlink has indicated that they should have communicated better on their application with the community. In response to a question raised by Councillor Nicoll respecting an impasse, Mr. Joudrey advised that new information such as alternative site locations could be discussed once all current information has been reviewed. A resolution must be reached as part of the impasse process. Councillor Nicoll commented that the Community Council should take this opportunity to negotiate with Industry Canada, as well as assist HRM staff during the development of the functional plan for telecommunication towers. It is her understanding that Industry Canada is willing to work with HRM in this regard.

Further discussion was held respecting the various distances between telecommunication towers and residential dwellings.

Councillor Fisher asked whether alternative locations were discussed with Eastlink on that same piece of property being proposed. Staff advised that this option was never suggested. He expressed concern with statements made in the petition, as well as Eastlink's reasoning for choosing the proposed location, noting that ownership of the proposed land was not identified in their application.

In response to timelines and a deferral, Mr. Kurt Pyle, Supervisor, Planning Applications and Heritage, advised that Industry Canada has a guideline for this process to occur within 120 days. He advised that HRM is currently at approximately 116 days.

Without a vote on the motion, it was **MOVED by Councillor Barkhouse, seconded by Councillor Karsten to defer Item 10.1.3 Case 16986 – Telecommunication Tower, Cole Harbour Road, Cole Harbour for 30 days and to seek additional information from staff.**

Following a brief discussion it was noted that staff would seek an extension from Industry Canada. Deputy Mayor Smith requested the motion be amended to reflect this direction.

The motion now reads:

MOVED by Councillor Barkhouse, seconded by Councillor Karsten to defer Item 10.1.3 Case 16986 – Telecommunication Tower, Cole Harbour Road, Cole Harbour for 30 days, pending confirmation of an extension from Industry Canada, and to seek additional information from staff.

It was noted that pending confirmation of an extension from Industry Canada, staff would come back to the Community Council with an information report in response to the questions and concerns raised during the meeting.

Councillor Karsten called for the question.

MOTION TO DEFER PUT AND PASSED.

The Clerk will forward the questions and concerns to staff, who will then research and post the responses on HRM's website. It was noted that members of Community Council could provide additional questions to the Clerk to be forwarded to staff.

10.1.4 Land Use By-law Amendment – Higher Accessory Buildings

MOVED by Councillor Barkhouse, seconded by Councillor Karsten to defer Item 10.1.4 – Land Use By-law Amendment – Higher Accessory Buildings to the next Harbour East Community Council meeting. MOTION PUT AND PASSED.

11. MOTIONS – NONE

12. ADDED ITEMS

12.1 Councillor Karsten – Discussion re: Date for November Meeting

Following a brief discussion it was **MOVED by Councillor Karsten, seconded by Deputy Mayor Smith that Harbour East Community Council reschedule the November 3rd meeting to November 10, 2011. MOTION PUT AND PASSED.**

13. NOTICES OF MOTION – NONE

14. PUBLIC PARTICIPATION

Mr. Colin May, Dartmouth, requested that the Councillors and Municipal Clerks webpages identify that files over 10 megabytes will not be received. He provided an example of trying to send Councillors a 40 megabyte email, which bounced back. Mr. May read from his email that he had previously tried to send to members of the Community Council respecting cyclists and HRM's Parks trucks damaging the Dartmouth Common. He expressed concern with a gentleman driving on Dalia Street, through the park pathways on a motorized bicycle. Mr. May requested the following:

- That all motorized bicycles be banned from the Dartmouth Common
- Cyclists be restricted to marked pathways, regardless of whether the individual is riding or walking with the bike
- That there be a dedicated cycle path from the large cemetery gates, half way up Thistle Street; and
- That there be a ban on cyclists entering the park from the gates opposite the Dartmouth Sportsplex Crosswalk

Mr. May suggested that HRM might also want to consider finding a group of citizens willing to maintain the flower beds, if they are not willing to spend the money. He referred to one of the photographs, from the four photographs he had circulated to the Community Council during their June 9, 2011 meeting, of the weeds along the pathways. Mr. May indicated that he had spoken with staff following the Community Council's June 2011 meeting and no maintenance has been done. Councillor McCluskey advised that she would follow up with staff resecting Mr. May's concerns.

Ms. Gerry Erwin, Dartmouth, spoke on the Motion of Rescission brought forward by Councillor Rankin during Council's September 13, 2011 session. In response to a question as to whether Councillor Rankin knew before the September 13th Council session that the Chief Administrative Officer (CAO) had already awarded the contract, Councillor McCluskey responded no. Ms. Erwin further asked whether the CAO consulted with other staff, members of Council, including the Mayor, before signing the contract. She referred to a weekly news article wherein the Mayor speaks to the Code of Conduct. She asked if the process was fair to Councillor Rankin and whether he was treated with respect and dignity. She agreed with Councillors Outhit and Johns comments that awarding the contract should have been postponed until Tuesday's debate at Council was completed. Ms. Erwin commented that the Mayor and Members of Council, as well as senior staff, are in a position of leadership and urged them to remember that the personal example of everyone speaks louder than any Code of Conduct.

15. NEXT MEETING DATE – Thursday, October 6, 2011, 6:00 p.m.

16. ADJOURNMENT

The meeting was adjourned at 7:12 p.m.

Krista Vining
Legislative Assistant

INFORMATION ITEMS

1. Stormwater Management Functional Plan