

CHEBUCTO COMMUNITY COUNCIL

MINUTES

MONDAY, APRIL 4, 2005

PRESENT: Councillor Linda Mosher, Chair  
Councillor Russell Walker, Vice-Chair  
Councillor Debbie Hum  
Councillor Stephen D. Adams  
Councillor Mary Wile

ALSO PRESENT: Ms. Randa Wheaton, Planner  
Mr. Angus Schaffenburg, Planner II  
Ms. Karen Brown, Municipal Solicitor  
Ms. Chris Newson, Legislative Assistant

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**1. CALL TO ORDER**

The Chair called the meeting to order at 7:05 pm in the Thomas Raddell Room, Keshen Goodman Library, 330 Lacewood Drive, Halifax.

**2. APPROVAL OF THE MINUTES** - January 5 & 6, 2005, January 10, 2005, February 7, 2005 and March 7, 2005.

**Correction:** Councillor Hum requested a change be made to the March 7, 2005 minutes under Item 4.1.2 As-of-Right Development Along the Bedford Highway to reflect that the “public meeting” was actually a town hall meeting.

**MOVED BY Councillor Walker, seconded by Councillor Adams that the minutes of January 5 & 6, 2005, January 10, 2005 and February 7, 2005 be approved as circulated and that the March 7, 2005 minutes be approved as amended. MOTION PUT AND PASSED UNANIMOUSLY.**

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

**Additions:**

- 8.1 Correspondence from McInnes Cooper regarding Case 00567: Development Agreement - Lands of Butler Brothers Limited - Main Avenue.
- 12.1 Community Council Recreation Funding Pool - Mr. Blair Blakeney
- 12.2 20 Forest Hill Drive, District 16 - Councillor Hum
- 12.3 Letter to Mr. Barry Allen - Councillor Walker

**MOVED BY Councillor Walker, seconded by Councillor Hum that the agenda be approved as amended. MOTION PUT AND PASSED UNANIMOUSLY.**

**4. BUSINESS ARISING OUT OF THE MINUTES**

4.1 Status Sheet Items

4.1.1 Jack Lake Lands

Councillor Adams advised the issue is ongoing and is to **remain on the status sheet.**

4.1.2 As-of-Right Development Along Bedford Highway

- A staff report dated January 18, 2005 was before Community Council.

**MOVED BY Councillor Hum, seconded by Councillor Walker that Chebucto Community Council accept the January 18, 2005 staff report and;**

- 1. Direct staff to undertake a planning process related to issues within the existing planning policy framework of the Bedford Highway Area Plan including a review of building height limits within the C-2A and C-2B Zones, and identify areas where development should be permitted without municipal water or sewer services.**
- 2. HRM Staff will hold a public information meeting to receive feedback from the public. Staff will bring forward a report to Chebucto Community Council.**
- 3. Though the Harbour Plan process, staff will conduct further review and make recommendations with respect to topics such as future land use options for lands below the Bedford Highway, potential water lot development, multi-use trail corridor identification and potential harbour front parkland sites, identification of environmentally sensitive areas, cultural heritage/archeological sites, access connections (vehicular and pedestrian) and servicing implications and analysis and identification of publicly owned sites/areas having significant views of Bedford Basin.**
- 4. Staff will establish a Public Participation Committee (PPC) in the near future, with Terms of Reference to be determined.**

**MOTION PUT AND PASSED UNANIMOUSLY.** Item to remain on the status sheet.

4.1.3 Proposed Sign - Shoppers Drug Mart, Herring Cove Road

Councillor Adams advised this issue is ongoing and is **to remain on the status sheet.**

4.1.4 Hurricane Juan Clean-Up in Districts 10, 15, 16, 17 and 18

Councillor Hum advised there has been no further response. **Item is to remain on the status sheet.**

4.1.5 Re-Zone Ralston Avenue and Pearson Avenue from R2 General Residential to R1 Single Family Dwelling Designation

Councillor Walker requested a response from staff prior to the May 2, 2005 meeting advising how far along in the process this request is and what has been done to date in regards to the

rezoning request. Residents in the area are very concerned with rezoning as houses are selling. An immediate response from staff is requested.

#### 4.1.6 Preservation of the Blue Mountain/Birch Cove Lakes Area

Councillor Mosher advised there has been no update as yet. **Item to remain on the status sheet.**

#### 4.1.7 Non-Truck Routes - Mumford Road

- An Information Report dated March 18, 2005 from Chief of Police Frank Beazley was before Community Council.
- An Information Report dated March 29, 2005 from Mr. Ken Reashor, Manager Traffic & Right-of-Way was before Community Council.

Councillor Walker requested staff to respond with clear recommendations. Comments made in the information reports indicate that one end of Mumford Road is near a school and a transit route. Councillor Walker advised that that end of Mumford Road is a four lane boulevard and the other end, after the railroad cut, is a two lane road. He suggested signs be posted in the area to indicate the truck route and the times that trucks could use that route. **Item to remain on the status sheet.**

#### 4.1.8 Designation of Property to Parkland/Conservation - Keyworth Lane area.

Councillor Adams advised this issue is ongoing and is **to remain on the status sheet.**

#### 4.1.9 Update on Melvin Road (Purcell's Cove area).

- An e-mail dated March 22, 2005 from Mr. Brad Anquish, Director Environmental Management Services was before Community Council.

Councillor Adams advised an e-mail has been received from Environmental Management Services (EMS) indicating that once the issue of the private road is determined, EMS will advise on solid waste delivery. Staff have advised a report is expected for the May 2, 2005 meeting. **Item is to remain on the status sheet.**

#### 4.1.10 Whimsical Lake

- An Information Report dated March 23, 2004 was before Community Council.

Councillor Adams thanked staff for the efficiency of their response regarding this issue. He advised the matter will be brought to Regional Council at a future date in regards to the MPS (Municipal Planning Strategy) and LUB (Land Use By-Law) amendments. At that time, Regional Council will be able to discuss the environmental concerns. **This item is to be removed from the status sheet.** Councillor Mosher advised this issue is also before the Halifax Watershed Advisory Board.

4.1.11 Rezoning of Lot 3 Crown Drive

**MOVED BY Councillor Adams, seconded by Councillor Walker that staff make the rezoning request for Lot 3 Crown Drive a priority and bring forward a report for the May 2, 2005 meeting as it is a time sensitive issue. MOTION PUT AND PASSED UNANIMOUSLY.** Item to remain on the status sheet.

**5. MOTIONS OF RECONSIDERATION - None**

**6. MOTIONS OF RECISSION - None**

**7. CONSIDERATION OF DEFERRED BUSINESS - None**

**8. PUBLIC HEARINGS**

8.1 Case 00567: Development Agreement - Lands of Butler Brothers Limited, Main Avenue.

- A report dated February 28, 2005 was before Community Council.
- A letter dated April 4, 2005 from McInnes Cooper was before Community Council.

Ms. Randa Wheaton, Planner, presented the report.

Councillor Mosher reviewed the guidelines for the public hearing. Opening the public hearing, she called for speakers for or against the proposal.

**Public Speakers:**

**1. Rev. Dean Brown**

- Healthy development should include a church. We are looking for a permanent home for the Wesleyan Church. Originally thought there would be 2.5 acres of commercial in this development agreement but there does not appear to be land available for a church or community centre.

Ms. Randa Wheaton responded in this final proposal there is commercial use in the ground

floor space but no separate commercial site is available.

**2. Mr. Hiram Tiller**

- . Was there not supposed to be a fly-over Main Avenue? The staff report does not show this. Traffic commission has made a study and says there is no impact on vehicular traffic. There are 1100 units in this development and there will be cars on the North West Arm Drive.
- Chebucto Community Council should consider a local traffic lane on Highway 102 so cars will not have to merge into the main stream when heading downtown.
- You look at developments and the impact on places such as the Armdale Rotary yet traffic always says there will be no impact. The city employs a person from 4:00 pm on at the Armdale Rotary, so how is there no impact?

**3. Mr. Greg Boyd, Lakeview**

- . Below CBC there are six (6) lots that are not in this development agreement, including a salvage yard. What is happening with those? Will services be put in?

Ms. Wheaton responded the six (6) lots are privately owned land and not pertinent to this discussion.

**4. Mr. Rick Milbourne**

- . Expressed concern with frequency overload. CBC has warned that people who buy in that new development could possibly have major interference with electronics such as severe ghosting on their televisions etc. There are also possible health risks. All of Fairview experiences frequency overload now - interference with Cable on channel 3, 5 and 8 which have ghosting.
- He complained about this 25-30 years ago as he had a CB radio and at 9:00 pm each night he had major interference. CBC did a check in his area years ago and told him that everyone would have frequency overload in Fairview.
- He explained he had a refrigerator that when you opened the door and put your head in you would hear a radio. People who want home theatres, high definition televisions or invest in a good stereo system, will not be too happy if they cannot get decent tv/radio reception. He added all his power cables have to be wrapped in foil or they will pick up radio signals. There are frequency overload problems now.
- Some of the high rise apartment buildings have been changed in configuration or angle to deal with the frequency overload problem so the developer is well aware of this problem now. CBC is now saying there is a problem with frequency overload so there must be some truth to it. Will someone look into this?
- He added if he finds his signal gets worse because of this development, he will be angry.

Councillor Mosher advised this issue has been addressed in the staff report. The comments raised this evening will be forwarded to staff as well.

Councillor Mosher called for further speakers for or against this development agreement. After the third call it was **MOVED BY Councillor Adams, seconded by Councillor Walker that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED BY Councillor Walker, seconded by Councillor Adams that Chebucto Community Council:**

- 1. Approve the proposed Stage I development agreement; presented as Attachment "A" of the report dated February 28, 2005, for the Butler Brothers Limited lands on Main Avenue, Halifax; and,**
- 2. Require the development agreement to 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, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

Councillor Mosher requested Ms. Wheaton speak to the issues of traffic, such as the fly-over Main Avenue, raised by the public. Ms. Wheaton advised none of the traffic studies included a fly-over Main Avenue. This particular configuration was brought forward as part of the development. HRM's Traffic Authority's interest was that the portion of North West Arm Drive and Regency Park Drive be completed. Traffic studies said there would not be significant impact as they would use the access directly onto North West Arm Drive as it was designed to take a lot of traffic and not affect local roads and existing local residential areas.

Councillor Mary Wile requested clarification on Regency Park Drive to North West Arm Drive inquiring how vehicles coming from the south would access this? Ms. Wheaton explained traffic lights will be installed at that location as there will be schoolchildren crossing there as well.

Councillor Hum requested clarification on the traffic studies regarding the potential impact on areas such as the 102. Ms. Wheaton advised the wording in the study was that there would be *no significant impact* but there will be some impact. The main streets that will be affected are already of a size that have the capacity to hold the traffic anticipated.

Councillor Walker advised that in 1994/95 reference was made to a fly-over for Main Avenue. It would touch Main Avenue and allow people to go to the high school and indoor soccer facility

without using Lacewood Drive at all. Lacewood Drive has become backed up now. It will be a second entrance.

Councillor Mosher requested Ms. Wheaton address the Frequency Overload issues. Ms. Wheaton explained this issue is well documented in the staff report beginning on the bottom of page 5 to the end of page 8 and focuses on five points:

1. The Impact of the Radio Frequency Emissions on the Health and Safety of the Future Residents.
2. Whether Any of the New Buildings Will Block Any of the Signals to or from the Tower.
3. Whether Any of the New Buildings Will Cause Interference to Radio and Television Signals.
4. Tolerance of Future Residents to the Tower Strobe Lights Used for Aeronautical Markings.
5. Whether the Proximity of the Buildings to the Tower Will Cause Abnormal Effects to Domestic Electrical and Electronic Equipment.

Ms. Wheaton added that through this entire process CBC and Industry Canada have met on quite a few occasions and there have been long and involved consultations. CBC undertook studies, at their own costs, to ensure themselves the impact of this proposal are addressed. Some issues will be addressed by construction technology and some by the layout of the buildings. A lot of work has already been done to address the issue.

Councillor Hum requested clarification on the continued negotiation between CBC and the Developer and that the fact that the municipality is not involved. She asked whether addendums could be added at the Stage II level regarding radio frequency if deemed necessary. Ms. Wheaton explained the Stage I Development Agreement indicates that further studies be done. There is a letter of commitment that the issue will be addressed. There will be no further change in height to the buildings as CBC did their studies as the under the current plan and this will not change. She added it would not be her expectation that any of the studies required for Stage II would make the condition worse.

Councillor Hum asked if the Developer will discuss the use of specialized material with the architect for building construction. Ms. Wheaton referred to page 22, section 2.8.2 and 2.8.3 of the staff report dated February 28, 2005 which covers these concerns.

Councillor Walker commented that the questions have been answered in the staff report. He added CBC indicates they will not be responsible for the new development but if you have ghosting issues now, it can be addressed.

**MOTION PUT AND PASSED UNANIMOUSLY.**

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**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

- 9.1 Correspondence - None
- 9.2 Petitions - None
- 9.3 Delegations - None

Councillor Mosher announced a two minutes break at 7:53. The meeting reconvened at 7:55 pm.

**10. REPORTS - None**

**11. MOTIONS - None**

**12. ADDED ITEMS**

12.1 Community Council Recreation Funding Pool

- . A list of Halifax Regional Municipality Parks & Recreation Services Capital Project Requests was circulated to the Community Council.
- . A copy of a page from the Capital Project Supplementary Report was circulated to the Community Council.

Mr. Blair Blakeney, Coordinator, Capital Projects - HRM Parks, Real Property & Asset Management advised that an addition was made to the Capital Budget (page circulated) with \$25,000 being approved per district for Parks and Playgrounds. Any expenditures for projects identified would have to be approved at the Community Council level. He offered to meet with the Councillors to discuss possible projects.

Mr. Blakeney explained the list circulated this evening shows all council requests and community requests and will indicate where the project falls in regards to priority rating. He advised some of the projects under District 10 may refer to the former District 10. The projected capital budget approved this year will be the benchmark and this list will give the community a view of the big picture.

**MOVED BY Councillor Adams, seconded by Councillor Hum that Chebucto Community Council hold an informal meeting with staff to discuss possible options regarding recreation projects for the districts represented by Chebucto Community Council. Further, any proposals for recreation projects will be brought forward to a future Chebucto Community Council meeting for approval. MOTION PUT AND PASSED UNANIMOUSLY.**

12.2 20 Forest Hill Drive, District 16

**MOVED BY Councillor Hum, seconded by Councillor Walker that Chebucto Community Council request staff prepare a report regarding ongoing concerns that the two unit dwelling property at 20 Forest Hill Drive is operating as a rooming house. Further, that staff explain the process that must be followed to rezone existing R2 properties to R1 on Forest Hill Drive, Wren Street, Rocky Hill Drive and/or Pioneer (north side). Staff are also requested to include the following information in their report:**

- 1. Actions taken to date by HRM to address concerns of local residents.**
- 2. Dates of property inspections, any violations found and follow-up action taken by staff to address concerns of local residents.**
- 3. Permitted uses for R2 and R1 zoned property.**
- 4. Definition of a rooming house under current HRM policy and land use regulations and how HRM inspectors determine if possible “rooming house” operations are taking place.**
- 5. Any recommendations to strengthen and/or clarify the definition of “rooming house”.**
- 6. Formal process to be followed by staff and residents to consider moving forward for rezoning local properties.**
- 7. Any other pertinent information to address residents’ concerns.**
- 8. Staff’s recommendations to proceed.**

Councillor Hum advised that the owner of the property at 20 Forest Hills Drive has allegedly built a two unit dwelling with seven bedrooms and multiple bathrooms on one side. Residents are expressing concern that this may be a rooming house. A discussion has been held with the HRM Development Officer and the question is how do you monitor a rooming house operation and the impact on the neighbouring properties. A staff report is requesting and is to include the information listed in the above motion.

**MOTION PUT AND PASSED UNANIMOUSLY.**

12.3 Letter to Mr. Barry Allen

**MOVED BY Councillor Walker, seconded by Councillor Adams that a framed scroll be sent to Mr. Barry Allen thanking him for his service as Municipal Solicitor to the Chebucto Community Council. MOTION PUT AND PASSED UNANIMOUSLY.**

**13. NOTICES OF MOTION - None**

**14. PUBLIC PARTICIPATION**

**1. Ms. Alana Kerr**

- Presented pictures of the sewage overflow on Joyce Avenue and Inverness Avenue, Fleming Heights caused by the last rain storm. The pictures showed sewage gushing out of the manhole cover.
- She was assured by HRM that the issue had been addressed but the sewage flows onto the property and the neighbours property where small children live and play.
- Civic addresses 38 and 48 Joyce Avenue are affected.
- In the corner of one picture you see a child's playhouse and it is full of sewage.
- The sewage also flows into "protected" wetlands.
- Fecal material etc. is left on the sidewalk after the rain subsides.
- There are fifteen (15) duplexes soon to be constructed in the area and sewage from that will flow into this as well.

**MOVED BY Councillor Adams, seconded by Councillor Walker that staff urgently respond to the issue of sewage overflow at 38 and 48 Joyce Avenue,, Fleming Heights.** Councillor Mosher requested this information be forwarded to HRM's Mr. John Sheppard as a priority item. **MOTION PUT AND PASSED UNANIMOUSLY.**

**2. Mr. Jonathan Curtis**

- Thank staff for getting report done quickly on Whimsical Lake issue. The report still refers to the concept plan. The concept plan was never intended as a detailed document, it was supposed to be a detailed sketch. Whimsical Lake is drawn incorrectly on this plan in that it takes 100' from edge of water, not from the wetlands which is where it should be drawn from. Hope staff will come up with an accurate plan.

Councillor Mosher advised this was a preliminary report prepared for this meeting. The concerns expressed this evening will be forwarded to staff.

**3. Ms. Diana Whalen, MLA**

- Ask Councillors to look again at the Blue Mountain/ Birch Cove Lakes issue. Had hoped to have a report on the questions we raised regarding traffic issues and open space and having crown land protected.
- She has spoken at the Western Region Community Council on this issue as well and would like to have a report back on this issue as soon as possible.

Councillor Mosher advised the new Acting Manager for Real Property and Asset Management will be made aware of this request.

**4. Mr. Chris Miller, Rockingham**

- Member of the Birch Cove Lakes Society. He is looking forward to receiving the staff report on the Blue Mountain/Birch Cove Lakes matter as well.

**5. Mr. Bill Phillips, Crestview Drive**

- Concerned with atmosphere of our city. Appearance of our city, the housekeeping. Graffiti, signs on poles, litter on streets - gutters are full of litter and need to be cleaned. HRM put out information that the residents should do their part and take the litter out of the drains but HRM did not do anything. There is a tender call for additional sweeping equipment. We have to get out on the streets now. Start a clean-up program right away.
- Who is responsible for looking after signs put on telephone poles etc. and why can we not get these signs removed. Why do we not have crews available to clean-up these things? Suggest that HRM hire high school students in the summer to record the organizations leaving signs on telephone poles etc. and then have tickets issued to the organization under HRM's NO POSTING By-law.
- Fleming Tower School - there is a lot of graffiti. You have to clean-up graffiti right away or you will never get rid of it.

Councillor Adams requested staff determine who owns the telephone poles before any signs are removed as ownership has to be determined first. HRM people working on property that is not HRM's will result in numerous calls. He added it is also extremely difficult to prove that an organization has placed the sign. It could have been anyone who posted the sign. You have to have proof. Councillor Mosher advised the sign issue is coming forward to Regional Council tomorrow evening (April 5).

**MOVED BY Councillor Adams, seconded by Councillor Hum that Chebucto Community Council forward the concerns raised regarding graffiti to be forwarded to Mr. Gary Martin, Community Projects and to staff with Transportation & Public Works - Streets and Roads. MOTION PUT AND PASSED UNANIMOUSLY.**

**6. Ms. Mary Ann McGrath**

- Adding her support to Blue Mountain/Birch Cove Lakes issue.
- Come forward with a proposal that will give province weight. Anyone who looks at map of the area will see this area is well protected by green belt zone, separate from the Timberlea corridor. Urge HRM staff to indicate to the province that this is a necessary protection.

**7. Ms. Regine Maass, Jollimore**

- Subdivision approval process should take advantage of active solar energy so if owners wish they can change over to solar energy. It would be no added cost to the developer or City but would help reduce greenhouse gas.
- New subdivisions have houses all the same sad grey colour. Require Developer to liven up the areas with different colours to make it more enjoyable to walk around.
- 14 months ago, issue was raised regarding non-idling By-Law for cars.
- Reflection - light pollution should be considered as well.

Councillor Mosher advised the comments raised regarding subdivisions and light reflection are to be forwarded to the Regional Planning Team (Ms. Carol Macomber). She advised a report was previously received on the idling issue.

**15. NEXT MEETING DATE - Monday, May 2, 2005.**

**16 ADJOURNMENT**

The meeting adjourned at 8:47 pm.

Chris Newson  
Legislative Assistant