

HALIFAX REGIONAL MUNICIPALITY

CHEBUCTO COMMUNITY COUNCIL

MINUTES

MONDAY, JANUARY 9, 2006

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

STAFF: Ms. Chris Newson, Legislative Assistant
Mr. Randolph Kinghorne, Municipal Solicitor

TABLE OF CONTENTS

1.	CALL TO ORDER	4
2.	APPROVAL OF MINUTES	4
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	4
4.	BUSINESS ARISING OUT OF THE MINUTES	6
4.1	Status Sheet Items	6
4.1.1	Re-Zone Ralston Avenue and Pearson Avenue from R2 General Residential to R1 Single Family Dwelling Designation	6
4.1.2	Update on Melvin Road (Purcell's Cove area)	6
4.1.3	Rock Pile - 182 Milsom Avenue, Halifax	7
4.1.4	Request to Have the Reclaimed Parkland at the Corner of Parkland Drive and Langbrae Drive Named in Honour of the Year of the Veteran.	7
4.1.5	Welcome to Halifax Sign - St. Margaret's Bay Road	7
5.	MOTIONS OF RECONSIDERATION	7
6.	MOTIONS OF RECISSION	7
7.	CONSIDERATION OF DEFERRED BUSINESS	7
8.	PUBLIC HEARINGS	7
9.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	7
9.1	Correspondence	8
9.2	Petitions	8
9.3	Delegations	8
9.3.1	Theatre Halifax	8
10.	REPORTS	4 & 8
10.1	STAFF REPORTS	4 & 8
10.1.1	<u>Case 00859</u> : Proposed Wireless Communication Equipment, 10 Donaldson Avenue, Halifax.	8

10.1.2	Case 00852: Amendment to Development Agreement, Stoneridge on the Park Subdivision, Halifax	4 & 9
10.2	MEMBERS OF COUNCIL	9
10.2.1	Renaming of Trails - Hemlock Ravine Park	9
11.	MOTIONS	9
12.	ADDED ITEMS	6 & 9
12.1	Condition of Sidewalk - Herring Cove Road	6 & 9
12.2	Bus Service - Stoneridge	6 & 9
13.	NOTICES OF MOTION	9
14.	PUBLIC PARTICIPATION	9 & 10
15.	NEXT MEETING DATE	10
16.	ADJOURNMENT	10

1. CALL TO ORDER

The Chair called the meeting to order at 7:01 p.m. in the Keshen Goodman Library, Halifax.

2. APPROVAL OF MINUTES - December 12, 2005

MOVED by Councillor Wile, seconded by Councillor Hum that the minutes of the regular meeting of December 12, 2005 be approved as circulated. MOTION PUT AND PASSED.

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

Additions: 12.1 Condition of Sidewalk - Herring Cove Road

Councillor Mosher advised that she has already addressed this issue with staff therefore the item may be removed from the agenda.

12.2 Bus Service - Stoneridge - Councillor Mosher

Move: Item 10.1.2 to be dealt with immediately following the approval of the order of business.
Item 12.2 to be dealt with immediately following Item 10.1.2.

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

The Community Council agreed to deal with item 10.1.2 at this time.

10. REPORTS

10.1.2 Case 00852: Amendment to Development Agreement, Stoneridge on the Park Subdivision, Halifax

- A staff report dated December 16, 2005 was before Community Council.

Mr. Paul Sampson, Planner, presented the report. He responded to Councillor Wile that Chebucto Community Council may choose to refuse the amendment based on conflict with the existing MPS (Municipal Planning Strategy). Chebucto Community Council's reasons for refusal in June, 2005 are listed on page 2 of the staff report. The main concern was with replacing parkland with residential dwelling units. He added that staff are recommending the Community Council reaffirm their original decision and refuse the amendment.

Councillor Walker commented that there are no protected view plans in Mainland North (re: Alternative 1 & 2). Mr. Sampson clarified for Community Council that the issues of visual disturbance/tree retention were valid points raised by Councillors and the residents who spoke at the public hearing in June 2005. He added that Community Council could decide to hold a public hearing as outlined in Alternative 3 in the staff report.

Councillor Hum questioned whether it was allowable for a developer to come forward with an identical proposal. Councillor Adams also requested clarification on whether or not there was a two month waiting period after a negative vote before a matter could be brought back to Community Council.

Mr. Sampson responded that he did not believe there was a time limit. He added that the application was submitted in September but is just coming forward now to Chebucto Community Council. The Municipal Solicitor in attendance, Mr. Randolph Kinghorne, commented that if the matter is refused a second time then there would be a one year waiting period.

Mr. Sampson provided clarification for Councillor Wile on the location of the brook mentioned in the report and the culvert/outlet on the opposite side of the road. Mr. Sampson responded that views from the homes on Ridgepark would be blocked if houses were built on the seven (7) lots in question. He confirmed for Councillor Wile that the homes would be approximately 170' from Hail Pond.

Councillor Hum commented that she would like to have another public hearing.

MOVED BY Councillor Mosher that Chebucto Community Council refuse to amend the development agreement for Stoneridge on the Park Subdivision, Halifax. Having no seconder the MOTION WAS LOST.

Following further discussion by the Community Council, the following motion was placed:

MOVED BY Councillor Mosher, seconded by Councillor Hum that Chebucto Community Council request a staff report that will address the issue of time frames for an applicant to resubmit to Community Council an identical proposal that was previously turned down (motion for approval defeated).

Clarification is requested on whether the applicant must wait six months before resubmitting an identical proposal. If the proposal is refused a second time, what is the waiting period (one year?) before the applicant can resubmit the identical report for a third time. Also, how many times can an applicant submit an identical proposal using Council/staff and the public's time to hear the same application.

MOTION PUT AND PASSED.

Councillor Mosher commented that decisions of Community Council are appealable to the Utility and Review Board (UARB) and Chebucto Community Council should maintain their position of June 2005 to refuse the amendment due to the issues of visual disturbance/tree retention and the loss of parkland. She added that trees have a numeric value and offer benefit as a buffer/aid in noise reduction. Once a house is built, you cannot plant a tree at that location.

Councillor Wile commented that there is a large expanse of land behind the proposed area and those trees will remain. She added that the backyard of people's homes on Ridgemark are visible from that location and she does not see the difference with Ridgemark residents seeing the backyard of the proposed houses as it does not destroy the view at all.

MOVED BY Deputy Mayor Walker, seconded by Councillor Wile that Chebucto Community Council approve alternative #2 as outlined on page 3 of the staff report dated December 16, 2005 to approve the amending development agreement and schedule a public hearing date.

Councillor Mosher commented that residents bought the properties abutting the pond with the understanding that the area beyond that was parkland. She added that she does not see the purpose in having a public hearing. She submitted seven (7) letters for the record adding that residents are against the application.

MOTION PUT AND PASSED.

The Community Council previously agreed to deal with Item 12.2 at this time.

12. ADDED ITEMS

12.2 Bus Service - Stoneridge

MOVED BY Councillor Mosher, seconded by Deputy Mayor Walker that Chebucto Community Council request a staff report from Metro Transit for the February 6, 2006 meeting regarding commencement of a regular transit service/route to the Stoneridge area. This request is to be considered a priority matter. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet Items:

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

Deputy Mayor Walker advised that a public meeting is scheduled for the third week of January 2006. A letter of notification will be sent to area residents. Item **to remain** on the status sheet.

4.1.2 Update on Melvin Road (Purcell's Cove area)

- A Staff Report dated January 4, 2006 was before Community Council.

Councillor Mosher commented that area residents have to take their garbage to the top of the road for pick-up, have only hourly bus service yet they are paying the urban tax rate and should be receiving services.

Mr. Don Pellerine, Superintendent, Streets, Transportation and Public Works advised that there have been numerous requests over the years for that portion of Melvin Road to be ploughed. He reiterated that HRM does not plough private roads and that particular portion of Melvin Road is considered a driveway. Bill C-70 is coming forward and staff will review all private roads as a result of that provincial legislation. He added that before any winter maintenance would be provided to Melvin Road, road improvements would be required due to the steep drop-off on the eastern side.

Councillor Adams added that he is the Chair of the HRM Private Roads Committee and it is hoped that Bill C-70 will be in effect by the next snow season. He added that Bill C-70 is legislation that would permit residents on a private road to form a small Committee regarding maintenance of that road.

Councillor Mosher requested that Mr. Pellerine contact the area residents regarding this information.

This item to be **removed** from the status sheet.

4.1.3 Rock Pile - 182 Milsom Avenue, Halifax

- E-mail responses from the Halifax Regional Water Commission, dated December 12 & 13, 2005, were before Community Council.

Councillor Mosher declared a conflict as she is a resident of Milsom Avenue and excused herself from discussion on this matter.

Deputy Mayor Walker, on behalf of Chebucto Community Council, requested that Mr. Carl Yates, General Manager of the Halifax Regional Water Commission (HRWC) be

contacted and requested to respond as to what remedial action the HRWC plans to take to return that area (behind 182 Milsom Avenue) to its original condition (before the rocks were placed there). To **remain** on the status sheet.

4.1.4 Request to Have the Reclaimed Parkland at the Corner of Parkland Drive and Langbrae Drive Named in Honour of the Year of the Veteran.

Councillor Wile advised that no update has been received. Item **to remain** on the status sheet.

4.1.5 Welcome to Halifax Sign - St. Margaret's Bay Road

- An e-mail from Donna Davis, Division Manager, Data/Business Information Management (Civic Addressing Project) was before Community Council.

A meeting has been scheduled with Civic Addressing staff (Donna Davis) and Capital District staff (Jacqueline Hamilton) on January 11, 2006. 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 - None

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

9.3 Delegations

9.3.1 Theatre Halifax

Mr. Gary O'Hara, Chair and Ms. Ann Cosgrove, Executive Director of Theatre Halifax presented on behalf of Theatre Halifax (operating from the Halifax West High School's Auditorium). They requested the Community Council's assistance in obtaining permission to place a sign (electronic community announcements) on HRM property at the corner of Regency Park Drive and Lacewood Drive. They also advised that the cost of the sign would be completely absorbed by Theatre Halifax and would not result in any cost to HRM.

MOVED BY Councillor Wile, seconded by Deputy Mayor Walker that staff provide a report regarding the placement of a sign on HRM owned property at the corner of Regency Park Drive and Lacewood Drive. MOTION PUT AND PASSED UNANIMOUSLY.

10. REPORTS

10.1 STAFF REPORTS

10.1.1 Case 00859: Proposed Wireless Communication Equipment, 10 Donaldson Avenue, Halifax.

- A staff report dated December 16, 2005 was before Community Council.
- Councillor Hum provided numerous correspondence/photographs (via e-mail) from area residents including their concerns/comments regarding the proposal.

Ms. Jaime Smith, Planner, presented the report. She advised that the tower is 13' lower than the church's steeple and will have minimal visual impact. A letter from Dr. Robert Strang, Capital Health, dated January 9, 2006, indicates that "*...the proposal to install a cell phone tower on Birch Cove Baptist Church does not create a risk to the health of the community.*"

Mr. Rod Winters, Manager of Real Estate for Aliant provided clarification for Councillor Hum on the actual measurements of the chimney. He explained that the chimney is 51' high from the ground with a footprint of 7' x 7'. He added that it is hoped the Donaldson Avenue footprint will be smaller.

Councillor Hum advised that over 200 residents were notified regarding this proposal and only six responses were received. She added there are photographs on file and requested they be included with the response to Industry Canada. Two residents expressed concern with the affect of the chimney on their view. Councillor Hum explained (confirmed by Ms. Smith) that the height of the structure and the steeple fall within current land use regulations. Councillor Hum further explained that HRM (Community Council) reviews the aesthetic aspect of the chimney/tower but has no authority regarding Safety Code Six (6).

MOVED BY Councillor Hum, seconded by Deputy Mayor Walker that Chebucto Community Council forward a positive recommendation to Industry Canada supporting the proposed installation of wireless communication equipment at 10 Donaldson Avenue and that all comments and concerns brought forward by area residents be included in the communication to Industry Canada. MOTION PUT AND PASSED.

10.1.2 Case 00852: Amendment to Development Agreement, Stoneridge on the Park Subdivision, Halifax

This item was dealt with earlier in the meeting. See page 4.

10.2 MEMBERS OF COUNCIL

10.2.1 Renaming of Trails - Hemlock Ravine Park

MOVED BY Councillor Hum, seconded by Deputy Mayor Walker that Chebucto Community Council request that:

1. Staff begin the process to re-name trails in the Hemlock Ravine park and provide the proper signage in the appropriate locations.
2. A trail in Hemlock Ravine Park be named after the late Colin Stewart, and that staff also consider naming a park or other appropriate site in HRM as a memorial and tribute to Colin Stewart.

MOTION PUT AND PASSED UNANIMOUSLY.

11. **MOTIONS** - None.

12. **ADDED ITEMS**

12.1 **Condition of Sidewalk - Herring Cove Road**

This item was dealt with earlier in the meeting. See page 4.

12.2 **Bus Service - Stoneridge**

This item was dealt with earlier in the meeting. See page 6.

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

Mr. Bob Zinck, Halifax

- The draft Regional Plan has very little mention of park and rides in the transportation section although there is mention of having more park and rides to help address the issue of parking. He commented that Park and Rides do not make money but neither do roads and more park and rides should be located in areas such as Bayers Lake, Ragged Lake, and various areas in Dartmouth.
- Metro Transit should be fully utilizing its resources and not have buses sitting in the garage yard depreciating when they could be on the road. Also, the numerous *OUT OF SERVICE* buses at peak hours should be in service.

15. **NEXT MEETING DATE** - Monday, February 6, 2006.

16. **ADJOURNMENT**

The meeting adjourned at 8:00 p.m.

Chris Newson
Legislative Assistant