

HALIFAX REGIONAL MUNICIPALITY

HARBOUR EAST COMMUNITY COUNCIL MINUTES July 8, 2004

PRESENT: Councillor Bruce Hetherington, Chair
Councillor Ron Cooper
Councillor Harry McInroy
Councillor Brian Warshick
Councillor Condo Sarto
Councillor Jim Smith
Councillor John Cunningham

STAFF: Ms. Sherryll Murphy, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER	5
2.	APPROVAL OF MINUTES - June 3, 2004	5
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	5
4.	BUSINESS ARISING OUT OF THE MINUTES	5
4.1	STATUS SHEET ITEMS	5
	4.1.1 Rehabilitation and Improvement Plan for Cole Harbour Commons .	5
	4.1.2 Implementation of Secondary MPS - Dartmouth Lakes	6
	4.1.3 Safety Issues on Highfield Park Drive	6
	4.1.4 Main and Brigadoon Intersection	6
	4.1.5 Don Bayer Sports Field, Burnside	6
	4.1.6 Servicing Plan for all and Sports Fields in the HECC area	6
	4.1.7 Beazley Field Upgrade	6
	4.1.8 Wilderness Park - Safety	6
	4.1.9 Proposed Industrial Park - South Woodside - Traffic, Recreation and Planning issues	7
	4.1.10 Subdivision of Lot 41 Ritcey Crescent	7
5.	MOTIONS OF RECONSIDERATION	7
6.	MOTIONS OF RESCISSION	7
7.	CONSIDERATION OF DEFERRED BUSINESS	7
	7.1 Outdoor Solid Fuel Appliances (Re Item 4.1.1 Wood Doctor, June 3, 2004)	7
8.	HEARINGS	8
	8.1 Public Hearings	8
	8.2 Variance Hearings	8
	8.2.1 Appeal of the Decision of the Development Officer to Refuse a Variance - 23 Crest Drive, Dartmouth	8
9.	CORRESPONDENCE AND DELEGATIONS	9
	9.1 Correspondence - None	9
	9.2 Petitions	9

9.2.1	Petition - Councillor Cunningham - No Dogs Allowed Signage - Dillman Park in Dartmouth	9
10.2.1	Councillor Cunningham - Dartmouth Common Dog Restrictions ...	9
9.3	Delegations	10
10.	REPORTS	10
10.1	PROPOSED DATES FOR FUTURE MEETINGS	10
10.2	MEMBERS OF COUNCIL	10
10.2.1	Councillor Cunningham - Dartmouth Common Dog Restrictions ..	10
11.	MOTIONS	10
12.	ADDED ITEMS	10
12.1	Confirmation of Appointment - Joseph Diab - Morris Lake and Russell Lake Master Plan Area Public Participation Committee	10
12.2	Case 00584 - Amendment to the MPS for Dartmouth (Parcels B&C, Woodland Avenue)	11
12.3	Update - Artificial Field in Burnside	12
12.4	Cole Harbour Outdoor Pool (Councillor McInroy)	12
12.5	Expansion of Weekly Green Cart Pick up to Eastern Passage (Councillor McInroy)	13
13.	NOTICES OF MOTION	14
14.	PUBLIC PARTICIPATION	14
15.	NEXT MEETING	15
16.	ADJOURNMENT	15

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m.

The Chair recognized Marilyn More, MLA for Dartmouth South-Portland Valley present in the gallery this evening.

2. APPROVAL OF MINUTES - June 3, 2004

MOVED by Councillor Cooper, seconded by Councillor Cunningham that the minutes of the Harbour East Community Council held on June 3, 2004, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions:

- 12.1 Confirmation of Appointment - Joseph Diab - Morris Lake and Russell Lake Master Plan Area Public Participation Committee
- 12.2 Case 00584 - Amendment to the MPS for Dartmouth (Parcels B&C, Woodland Avenue)
- 12.3 Update - Artificial Field in Burnside (Oral)
- 12.4 Cole Harbour Outdoor Pool (Councillor McInroy)
- 12.5 Expansion of Weekly Green Cart Pick up to Eastern Passage (Councillor McInroy)

Councillor Cunningham requested that item 10.2.1 be moved up to be considered immediately following petitions, to which Community Council agreed.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 STATUS SHEET ITEMS

4.1.1 Rehabilitation and Improvement Plan for Cole Harbour Commons

No information was received regarding this matter. This matter will remain on the status sheet.

4.1.2 Implementation of Secondary MPS - Dartmouth Lakes

- An Information Report dated June 28, 2004 prepared for Paul Dunphy, Director of Planning and Development, was before Community Council for consideration.

Councillor Cunningham noted that the information report advised that staff were meeting with the Executive of the Dartmouth Lakes Coalition with regard to this matter. Staff will bring a report back to Community Council after the summer break. This matter will remain on the status sheet.

4.1.3 Safety Issues on Highfield Park Drive

- An Information Report dated July 5, 2004 prepared for Ken Reashor, Traffic Authority, was before Community Council for consideration.

This matter can be removed from the status sheet.

4.1.4 Main and Brigadoon Intersection

No information was received regarding this matter. This matter will remain on the status sheet.

4.1.5 Don Bayer Sports Field, Burnside

No information was received regarding this matter. This matter will remain on the status sheet.

4.1.6 Servicing Plan for Ball and Sports Fields in the HECC Area

No information was received regarding this matter. This matter will remain on the status sheet.

4.1.7 Beazley Field Upgrade

No information was received regarding this matter. This matter will remain on the status sheet.

4.1.8 Wilderness Park - Safety

Councillor Cunningham noted that he had received an e-mail advising that an access providing the police the opportunity to drive through the Wilderness Park has been developed. The police have been asked to undertake routine security checks of the Park. Councillor

Cunningham indicated that this will address the concerns around inappropriate activity in the Park. This matter can be removed from the status sheet.

Councillor Cunningham noted that the matter relating to pigeons at Sullivan's Pond should remain on the status sheet.

4.1.9 Proposed Industrial Park - South Woodside - Traffic, Recreation and Planning Issues

No information was received regarding this matter. This matter will remain on the status sheet.

4.1.10 Subdivision of Lot 41, Ritcey Crescent

No information was received regarding this matter. This matter will remain on the status sheet.

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS**

7.1 Outdoor Solid Fuel Appliances (Re Item 4.1.1 - Wood Doctor, June 3, 2004)

- Consideration of this matter was deferred to this meeting from the June 3, 2004 meeting of Harbour East Community Council in order to afford members of Community Council an opportunity to review the report. A staff report dated May 29, 2004 prepared for Chief Director Mike Eddy, Fire Services, was redistributed to Community Council.

Referring to the recommendation, Councillor Smith indicated that staff's position in this regard does not address his concerns. He went on to note that Provincial regulations are not expected before 2005 and that Federal legislation will not be introduced before 2007. Councillor Smith indicated that something has to be done with regard to these units, six of which are located in Dartmouth. Councillor Smith further noted that these units are all used commercially and the Chief should have some authority to deal with the issues around their use.

MOVED by Councillor Smith, seconded by Councillor Cooper that the Harbour East Community Council recommend to Regional Council that they direct staff to develop

a by-law prohibiting the use or installation of outdoor solid fuel appliances used for heating buildings.

Gary McCurdy, Fire Prevention, responded to questions from members of Community Council noting that legislation is planned for over the next few years to regulate the construction and sale of these units. Mr. McCurdy noted that one of the problems is that there is no air monitoring system on a community basis located in the area of the units. He went on to suggest that even if legislation is put into place prohibiting the use of these units, it is likely that the existing units would be grandfathered.

A further brief discussion ensued and the **MOTION WAS PUT AND PASSED.**

8. HEARINGS

8.1 Public Hearings - None

8.2 Variance Hearings

8.2.1 Appeal of the Decision of the Development Officer to Refuse a Variance - 23 Crest Drive, Dartmouth

- A staff report dated June 30, 2004 submitted by Sean Audas, Development Officer, was before Community Council for consideration.

Mr. Audas, Development Officer, briefly reviewed with Community Council the June 30, 2004 staff report outlining his reasons for refusing the variance. Mr. Audas indicated that staff is recommending that Council uphold the decision of the Development Officer.

In response to a question regarding exactly what is meant by intentional disregard, Mr. Audas advised that the previous owners had received preliminary subdivision approval. He went on to note that the applicant had proceeded with the work on the basis of this preliminary subdivision approval without having any discussions with HRM.

The Chair called for persons wishing to speak in favour of or against the proposed variance.

Mr. Rod Comeau, the appellant

Mr. Comeau addressed Council indicating that a variance was only required because the engineered pad installed had elevated the lot. The elevation of the lot exceeded the requirements and, therefore, a five foot variance was required at the front of the lot. Mr. Comeau further indicated that the old fill had been removed and replaced with new.

In response to a question from Councillor Warshick, Mr. Comeau advised that if he were to move the pad the few feet required to make it fit with the regulations, the integrity of the pad would be lost.

Ms. Thelma Goldsmith, 19 Crest Drive

Ms. Goldsmith commented that Crest Drive was not a very wide street and that two more houses on the street would increase traffic. Ms. Goldsmith further indicated that she had not been advised that the property was to be developed until work began.

The Chair clarified with Ms. Goldsmith that regardless of whether the variance was granted or not, two homes could be built on the property.

MOVED by Councillor McInroy, seconded by Councillor Cooper that the decision of the Development Officer to refuse a variance at 23 Crest Drive, Dartmouth be upheld and the appeal denied.

Given that this variance only involved the front of the property, Councillor Warshick suggested that the decision regarding this matter be delayed until such time as Community Council has an opportunity to view a plot plan showing the rear of the property.

Following a further brief discussion, the **MOTION WAS PUT AND PASSED.**

9. CORRESPONDENCE AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

9.2.1 Petition - Councillor Cunningham - No Dogs Allowed Signage - Dillman Park in Dartmouth

Councillor Cunningham presented a petition on behalf of approximately 189 residents of Dartmouth requesting that the 'No Dogs Allowed' signs be removed from the entrances to Dillman Park in Dartmouth and be replaced with "Dogs on Leash and Owners to Pick Up After" signs.

10.2.1 Councillor Cunningham - Dartmouth Common Dog Restrictions

Councillor Cunningham addressed Community Council noting that recently signage restricting dogs from Dillman Park and the adjacent cemetery had been placed by staff. Residents of the area were quite surprised to see the signage, however, the Councillor confirmed that staff did have the authority under the By-law to erect the signage.

Councillor Cunningham noted that he has received a number of e-mails from concerned residents indicating that they believed the signage to be unwarranted. In discussion with staff, the Councillor confirmed that staff has no difficulty in removing the signs at this point as it appears that residents are more conscious of the need to keep their dogs on leash, and to clean up after their animals. Councillor Cunningham indicated that if there is a flagrant disregard, the present signs can be reinstalled.

MOVED by Councillor Cunningham, seconded by Councillor McInroy that staff be directed to remove the “No Dogs Allowed” signs at the entrance(s) to Dillman Park, Dartmouth and be replaced with signs indicating “Dogs on Leash and Owners to Pick Up After” signs. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Cunningham indicated that he would expect these signs to be replaced prior to the weekend.

9.3 Delegations - None

10. REPORTS

10.1 PROPOSED DATES FOR FUTURE MEETINGS

This matter was dealt with as item 15, Next Meeting.

10.2 MEMBERS OF COUNCIL

10.2.1 Councillor Cunningham - Dartmouth Common Dog Restrictions

This matter was dealt with earlier in the meeting.

11. MOTIONS - None

12. ADDED ITEMS

12.1 Confirmation of Appointment - Joseph Diab - Morris Lake and Russell Lake Master Plan Area Public Participation Committee

- This matter was added to the agenda, during the setting of the agenda.

MOVED b Councillor Warshick, seconded by Councillor Sarto that the Harbour East Community Council confirm the appointment of Joseph Diab to the Morris Lake Russell Lake Master Plan Area Public Participation Committee. MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Case 00584 - Amendment to the MPS for Dartmouth (Parcels B&C, Woodland Avenue)

- This matter was added to the agenda during the setting of the agenda. A staff report dated June 28, 2004 prepared for Paul Dunphy, Director of Planning and Development, was before Community Council for consideration.

In response to a question from Councillor Smith regarding Community Council's authority to reject this proposed amendment, Mr. John MacPherson, Planner, indicated that amendments to the Municipal Planning Strategies fall under the authority of Regional Council.

Mr. MacPherson, to provide clarification, briefly reviewed with Community Council the application. Mr. MacPherson noted that a rezoning is required as the newly proposed location for the multi-unit dwelling is presently zoned R-1.

MOVED by Councillor Smith, seconded by Councillor McInroy that Harbour East Community Council recommends that:

- 1. That Halifax Regional Council initiate the process to amend the Municipal Planning Strategy (MPS) for Dartmouth to expand the type of residential uses permitted by the Comprehensive Development District Policy for Parcels B&C, Woodland Avenue to permit the development of a multiple unit dwelling.**
- 2. Request staff to follow the public participation program as approved by Council in February, 1997.**

Councillor Cooper indicating that he had difficulty with this proposal noted that this was the combination of two Comprehensive Development Districts. He went on to point out that a multi-unit building was to be built on a lot which is now zoned R-1. He expressed concern that Comprehensive Development Districts normally involve a great deal more public participation. Noting that the matter had come to Community Council this evening as added item, Councillor

Cooper **MOVED** that consideration of this matter be deferred to the **September 2, 2004 meeting of Harbour East Community Council**.

There being no seconder, the **MOTION WAS LOST**.

Following a further brief discussion, the **MOTION WAS PUT AND PASSED**.

12.3 Update - Artificial Field in Burnside

- This matter was added to the agenda during the setting of the agenda.

Mr. Jim Naugler, Real Property and Asset Management, and Mr. Rob LeBlanc, consultant on the project, addressed Community Council providing an update. Mr. LeBlanc submitted a digital terrain model which illustrates the undulation of the site. The update included the following highlights:

- Tender packages are to be issued almost immediately
- Geotechnical work and surveying has begun
- Funding in the infrastructure program has been approved
- Aiming to work within the 3.5 million dollar project
- Work will be carried out in three (3) phases:
 - < Civil work and servicing - leveling of site, water and sewer, there is a stream on site and access is to be determined. The plan is to have the civil work complete by the end of July
 - < RFP for turf (also hope to have turf complete by the end of the month)
 - < Design of locker rooms, washrooms, mezzanine, offices and space for local sports group (September/October)
- Building costs to be in the area of \$750,000

A brief discussion ensued with note being made that to not include showers would be shortsighted. Mr. Naugler noted that since the building will have to have a sprinkler system, the matter of including showers can be considered.

A further discussion ensued with Councillors making the following points:

- if there are projected shortfalls, Councillors would like to be aware
- the area between the fields be considered for trail work in conjunction with the Wright Avenue Extension
- ensure that the locker room facility is properly located to allow for installation of extra bleachers on at least one of the fields

The Chair thanked Mr. Naugler and Mr. LeBlanc for their presentation.

12.4 Cole Harbour Outdoor Pool (Councillor McInroy)

- This matter was added to the agenda during the setting of the agenda.

Mr. Blair Blakeney, Coordinator, Capital Projects -Parks, introduced Mr. Dave MacDonald, Treasurer, Cole Harbour Outdoor Pool and Tennis Complex Association, with whom HRM has a Management Agreement to operate the Cole Harbour Outdoor Pool. Mr. Blakeney indicated that he and Mr. MacDonald would be providing an update regarding the situation with the pool.

Mr. Blakeney advised that at the start-up of the pool this season it was discovered that there had been major pipe damage due to a winter freeze. Upon investigation it has been determined that the difficulties are underground. Mr. Blakeney advised that the pipes will have to be excavated and the leaks corrected with a view to having the pool in operation as quickly as possible. Mr. Blakeney noted that if HRM were to follow the normal course of tendering for this job, the pool would be in jeopardy of not opening for the season. He noted that having communicated the urgency of the situation to senior administration, approval has been given to proceed in an expedient manner with regard to unearthing the system and correcting the problems.

Mr. Dave MacDonald briefly reviewed the background to the operation of the Cole Harbour Outdoor Pool. Mr. MacDonald noted that his primary concern was the possible loss of income for the students who have been hired to run programs for the season.

Mr. McInroy, noting that he had been speaking with the Deputy CAO regarding this matter, **MOVED, seconded by Councillor Cooper that Harbour East Community Council recommend to Mr. Dan English, Deputy Chief Administrative Officer, that beginning the week of July 11, 2004 he direct staff to commence repairs to the Cole Harbour Outdoor Pool and to facilitate completion in order to have the pool up and running as soon as possible.**

Following a further discussion, the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

12.5 Expansion of Weekly Green Cart Pick up to Eastern Passage (Councillor McInroy)

- This matter was added to the agenda during the setting of the agenda.

Councillor McInroy noted that he was seeking expansion of the weekly green cart pick-up service to the Eastern Passage area. The Councillor noted that the existing service is provided to areas having weekly blue bag pick-up, however, Eastern Passage is densely

populated and at least as urban as adjacent areas receiving the weekly green cart pick-up. Councillor McInroy noted that in speaking with staff ,there are trucks available to cover this expanded service and the cost would be \$3,400.

MOVED by Councillor McInroy, seconded by Councillor Warshick that Harbour East Community Council recommends to Regional Council that the weekly green cart pick-up service for the months of July and August be expanded to Eastern Passage at a cost of \$3,400 and further, that innovative means of funding this expanded service be considered.

Following a brief discussion, the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

Bob Moreash, Dartmouth

Mr. Moreash noted that the crosswalk located on Astral Drive at Caldwell Road was in a poor location. He indicated that the location was dangerous as the road is three lanes at this location with a turning lane. Mr. Moreash suggested that a more appropriate location would be at Nova Terrace and Astral Drive.

Councillor McInroy noted that the location has been chosen because it was three lanes and would qualify for a flashing crosswalk signal. The signal is on order and will be installed when received.

Mr. Moreash, referring to the presentation at Council regarding the high speed ferries, asked where commuters would park before boarding the ferry. Note was made that parking facilities would be developed relative to the ferry boarding areas.

Reg Jones, Dartmouth

Mr. Jones thanked members of Harbour East Community Council for the work they do for Dartmouth noting that he had no complaints.

Mr. Grant MacDonald, Friends of Harbourfront Greenspace

Mr. Grant MacDonald presented a petition on behalf of residents of District 8 requesting that the community liaison process for the Dartmouth sewage treatment plant be restored. The proposal is that the restoration begin with a public hearing early in the fall to resolve the

outstanding conflict between the proposed new access road and the community's desire to preserve green space. Included with the petition was a proposal for community arbitration.

A copy of Mr. MacDonald's presentation and the proposal for community arbitration is on file.

The Chair noted that this matter would be referred to staff and the issue considered after the Council break.

15. NEXT MEETING

Community Council **agreed** to the following schedule of meetings for the next number of months:

- No meeting in August
- Thursday, September 2, 2004
- No meeting in October
- Thursday, November 4, 2004

16. ADJOURNMENT

There being no further business, the meeting adjourned at 9:00 p.m.

Sherryl Murphy
Legislative Assistant