

HARBOUR EAST COMMUNITY COUNCIL
NOVEMBER 2, 2000
MINUTES

PRESENT: Councillor Harry McInroy, Chair
Councillor Ron Cooper
Councillor Jack Greenough
Councillor Condo Sarto
Councillor Bruce Hetherington

REGRETS: Deputy Mayor John Cunningham
Councillor Clint Schofield

STAFF: Mr. Barry Allen, Municipal Solicitor
Mr. Mitch Dickey, Planner
Ms. Julia Horncastle, Assistant Municipal Clerk

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1. INVOCATION

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

At a later point in the meeting, the Chair recognized Councillors Elect Brain Warshick and Jim Smith who were present in the gallery.

2. APPROVAL OF MINUTES

Moved by Councillor Cooper, seconded by Councillor Hetherington, that the minutes of September 14, 2000 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

Moved by Councillor Cooper, seconded by Councillor Hetherington, that the minutes of October 17, 2000 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

- 12.1 Candle Light March In Support of Victims of Crime
- 12.2 Change of Date for December Meeting

Deletions

Item 10.3 - Commercial Boat Rentals at Grahams Grove

Moved by Councillor Hetherington, seconded by Councillor Sarto, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES - NONE

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - NONE

8. PUBLIC HEARINGS

8.1 Case 00292 - Application by Halifax Regional Municipality to amend the Land Use By-Law for Eastern Passage/Cow Bay to allow mobile dwellings at Silver Court, Oceanview Estates, Cow Bay

- A Planning Advisory report, dated October 12, 2000, on the above noted, was before Community Council
- Staff report prepared for Paul Dunphy, Director of Planning and Development Service, dated October 5, 2000, on the above noted, was before Community Council
- First Reading was given at a Special Council session held on October 17, 2000

Mr. Mitch Dickey, Planner, advised the amendment had been initiated by planning staff after it was discovered that the current zoning on Lot 35 Silver Court did not allow for the placement of a mobile dwelling. He advised the current zoning on the property is RA (Rural Area) which does not permit mobile dwellings on any lot where a mobile dwelling did legally exist prior to April 27, 1998. He noted the developed lots in the area are all mobile dwellings.

In response to Councillor Greenough, Mr. Dickey advised all other lots are developed with mobile homes on them noting, this is the last lot to be developed.

In response to Councillor Sarto, Mr. Dickey advised when the new plan being put in place, the rezoning this lot was an oversight.

Councillor McInroy called three times for those wishing to speak either in favour of or against the application. Hearing none, the following motion was placed on the floor.

Moved by Councillor Hetherington, seconded by Councillor Greenough, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

Decision of Council

Moved by Councillor Hetherington, seconded by Councillor Cooper, that the Harbour East Community Council approve the proposed amendment to the Land Use By-Law for Eastern Passage/Cow Bay as presented in Attachment I of the staff report dated October 5, 2000. MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Petitions - None

10. REPORTS

10.1 Appeal of refusal of Minor Variance for 9 Gold Lane, Lot 3, Montague Gold Mines, NS

- Memorandum from Cathy Spencer, Development Officer, dated September 6, 2000, on the above noted, was before Community Council
- Appeal of refusal of variance from Mr. Bruce Haines, dated September 11, 2000, on the above noted, was before Community Council
- Correspondence from Linda Smith and Barry Scott of 15 Gold Lane, Calvin Hatfield of 6 Gold Lane and Ian Hatfield of 10 Gold Lane in support of the requested variance.

Councillor Cooper noted that according to the new standards a property is only allowed one driveway per 100 feet of frontage. He advised the application was for a driveway to access a storage garage noting, the neighbours have provided letters of support for the application.

Moved by Councillor Cooper, seconded by Councillor Sarto, that the minor variance be granted.

Councillor Hetherington questioned whether the Community Council had the right to overturn a ruling by the development officer. Mr. Barry Allen, Municipal Solicitor advised he would have to investigate and clarify whether the Community Council has the authority to grant this approval.

Councillor Hetherington advised he would support an amendment to the motion stating that the approval was subject to a receipt of the legal opinion.

The mover and seconded agreed to the suggested change.

The motion, as amended:

Moved by Councillor Cooper, seconded by Councillor Sarto, that the minor variance be granted subject to legal clarification as to whether Community Council has the authority to grant this approval. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Appointment of Community Council Representative to the Membership Selection Committee

Moved by Councillor Hetherington, seconded by Councillor Sarto, that Councillor Ron Cooper be appointed as the Harbour East Community Council representative on the Membership Selection Committee. MOTION PUT AND PASSED UNANIMOUSLY.

10.3 Commercial Boat Rentals at Graham's Grove Park

This item was deferred to the December 14th meeting under the approval of the Order of Business.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Candle Light March in Support of Victims of Crime

At the request of Councillor Elect Warshick, Community Council was advised the Dartmouth Boys and Girls Club was holding a Candle Light March in support of the victims of crime on Wednesday, November 8th at 6:30 p.m. from their club on Farrell Street in Dartmouth.

Moved by Councillor Hetherington, seconded by Councillor Greenough, that the Community Council endorse the venture and send a letter of support. MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Change of Date for December Meeting

Community Council agreed that the December meeting would be held on Thursday, December 14, 2000 at 7:00 p.m. at which time Mayor Kelly would attend and swear in the members of the Community Council.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

Mr. Peter Majeau, 38 Harvest Road, Dartmouth, advised the Victoria Childrens Centre will be holding a tree lighting and fund-raising ceremony in the Sullivans Pond Park at 5:30 p.m on December 1st.

15. ELECTION OF CHAIR AND VICE-CHAIR

Moved by Councillor Sarto, seconded by Councillor Cooper, that Councillor Bruce Hetherington be appointed as Chair of the Harbour East Community Council to November, 2001. MOTION PUT AND PASSED UNANIMOUSLY.

Moved by Councillor Hetherington, seconded by Councillor Greenough, that Councillor Ron Cooper be appointed Vice-Chair of the Harbour East Community

Council to November, 2001. MOTION PUT AND PASSED UNANIMOUSLY.

16. NEXT MEETING

The next meeting is scheduled for Thursday, December 14, 2000 at 7:00 p.m.

17. ADJOURNMENT

Moved by Councillor Hetherington, seconded by Councillor Sarto that the meeting be adjourned at 7:30 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

**Julia Horncastle
Assistant Municipal Clerk**