

HARBOUR EAST COMMUNITY COUNCIL  
MINUTES  
FEBRUARY 6, 2003

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

STAFF:                     Mr. Barry Allen, Municipal Solicitor  
                              Ms. Julia Horncastle, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER .....	04
2.	APPROVAL OF MINUTES - January 9, 2003 .....	04
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS .....	04
4.	BUSINESS ARISING OUT OF THE MINUTES .....	04
5.	MOTIONS OF RECONSIDERATION - NONE .....	04
6.	MOTIONS OF RESCISSION - NONE .....	04
7.	CONSIDERATION OF DEFERRED BUSINESS .....	04
8.	PUBLIC HEARING	
8.1	Case 00434: Land Use By-Law Amendments, Shipping Containers . . . .	05
9.	CORRESPONDENCE AND DELEGATIONS	
9.1	Correspondence - None .....	06
9.2	Presentation	
9.2.1	Starr Lands - Heritage Designation	
	(i) Dr. John Savage	
	(ii) Mr. Rollie Thornhill .....	04
9.2.2	Rogers AT&T	
	(i) Ms. Rachel Cassidy .....	06
10.	REPORTS	
10.1	Lake Banook/MicMac Boating By-Law Process - Sandra Inglis .....	07
10.2	Project 00554: Clayton Developments Limited Proposals for Portland Hills - Russell Lake .....	07
11.	MOTIONS .....	08
12.	ADDED ITEMS .....	08
13.	NOTICES OF MOTION .....	08
14.	PUBLIC PARTICIPATION	

- (i) Budget Process
- (ii) Public Participation ..... 08
- 15. NEXT MEETING ..... 09
- 16. ADJOURNMENT ..... 09

**1. CALL TO ORDER**

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

**2. APPROVAL OF MINUTES - January 9, 2003**

**MOVED by Councillor Sarto, seconded by Councillor Warshick, that the minutes of January 9, 2003 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 Status Sheet Items - Councillor Smith

**MOVED by Councillor Smith, seconded by Deputy Mayor McInroy, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

**4. BUSINESS ARISING OUT OF THE MINUTES - NONE**

**5. MOTIONS OF RECONSIDERATION - NONE**

**6. MOTIONS OF RESCISSION - NONE**

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

**9.2.1 Starr Lands - Heritage Designation**

Dr. John Savage and Mr. Rollie Thornhill, reading from prepared text, made a presentation to Community Council regarding the designation of the Starr Manufacturing property as a National Historic Site.

Councillor Cunningham thanked the presenters for their presentation and made the following recommendation.

**MOVED by Councillor Cunningham, seconded by Councillor Sarto, that staff be requested to prepare a report to Regional Council regarding the request for heritage designation of the Starr lands as a National Historic Site. MOTION PUT AND PASSED**

**UNANIMOUSLY.**

**8. PUBLIC HEARING**

**8.1 Case 00434: Land Use By-Law Amendments, Shipping Containers**

- A supplementary report, prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated December 20, 2002, on the above noted, was before Community Council.

Mr. Mitch Dickey, Planner, outlined the staff report and proposed amendments.

In response to Councillor Sarto, Mr. Dickey advised that an accessory building would be one that is incidental to and in association with the main use on a property such as a shed. He advised the containers would not be the only structure on a lot.

Councillor Cunningham asked if there was any attempt to relax the By-law as it pertains to Downtown Dartmouth. In response, Mr. Dickey advised because of the nature of the Downtown and Dartmouth zones and the properties in the area there is nothing being relaxed. All that is being done with regards to Downtown Dartmouth is a clarification that the contractors could use the containers for storage while there is ongoing construction work.

In response to Councillor Smith regarding set back distance referenced under Section 3(iii), Mr. Dickey advised the distance would be from the container to the property line. The Councillor further noted there may be places where the container would be in view. Mr. Dickey advised this amendment will require a high enough barrier such as a wall or fence to screen the container, noting if it cannot be screened it would not be permitted.

Councillor Hetherington called three times for those wishing to speak either in favour of or in opposition to the amendments. Hearing none, the following motion was placed.

**MOVED by Councillor Cunningham, seconded by Councillor Warshick, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

**DECISION OF COUNCIL**

**MOVED by Councillor Smith, seconded by Councillor Sarto, that Harbour East Community Council approve the amendments to the Land Use By-laws for Cole Harbour/Westphal, Dartmouth, Downtown Dartmouth, Eastern Passage/Cow Bay and North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston as shown in Attachments 1, 2, 3, 4 and 5 of the staff report dated December 20, 2002.**

Councillor Cooper expressed concern with the inclusion of using these containers in place of sales or rental offices and placed the following amendment.

**MOVED by Councillor Cooper, seconded by Councillor Cunningham, that in Attachment 2 and 3, in the paragraph beginning with the words “Nothing in this By-law shall prevent the use.....” the following wording be inserted following the word “foregoing” except as a mobile home, sales or rental offices.**

Councillor Cunningham referencing the amendment for Downtown Dartmouth, Attachment 3, asked if the development permit that would be issued for a shipping container be for a specified length of time. In response, Mr. Dickey advised it would be tied to the construction work in progress and would be until such time as construction ceases.

**AMENDMENT PUT AND PASSED UNANIMOUSLY.**

**MAIN MOTION, AS AMENDED, PUT AND PASSED UNANIMOUSLY.**

**9. CORRESPONDENCE AND DELEGATIONS**

**9.1 Correspondence - None**

**9.2 Presentations**

**9.2.1 Starr Lands - Heritage Designation**

This item was addressed earlier in the meeting. (See page 4)

**9.2.2 Rogers AT&T**

Ms. Rachel Cassidy, Rogers AT&T advised they were not able to meet the requirements of the motion passed by the Community Council in October and were before the Community Council to see if there was something further they could take back to Transport Canada regarding the location of the tower. She stated they were seeking some amendments to the first provision so that they would have the ability to find a site that would give the required coverage.

Deputy Mayor McInroy expressed concern that Community Council may be setting a precedent, noting the setback is a guideline that is followed in all HRM. The Councillor stated he did not feel the Community Council should change from the original recommendation. He suggested the item be referred back to staff to examine alternate locations.

**MOVED by Deputy Mayor McInroy, seconded by Councillor Sarto, that Community Council reaffirm the motion as approved on October 30, 2002 and request staff provide a report regarding alternate locations. MOTION PUT AND PASSED UNANIMOUSLY.**

## **10.           REPORTS**

### **10.1           Lake Banook/MicMac Boating By-Law Process**

Ms. Sandra Inglis, made a presentation to Community Council regarding boating restrictions and regulations overviewing the following:

- Boating restriction regulations;
- Authority - Constitution Act and Canada Shipping Act;
- Types of restrictions;
- Exemptions;
- Acceptable Criteria (guidelines);
- Acceptable Criteria (considerations);
- Applications;
- Process (general);
- Federal Regulatory Policy - Highlights;
- Enforcement;
- Consultation;
- Documentation;
- Process: General Overview (Federal);
- HRM Status 1997-2002;
- HRM Status.

In response to Councillor Cunningham, Mr. Peter Bigelow advised staff have begun a process to seek community consultation this winter and spring.

In response to councillor Smith, Mr. Bigelow advised that after community consultation the information will be brought back to the appropriate community council for sign off on what is being recommended.

Councillor Hetherington thanked Ms. Inglis for her presentation.

### **10.2           Project 00554: Clayton Developments Limited proposals for Portland Hills - Russell Lake**

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development

Services, dated January 23, 2003, on the above noted, was before Community Council.

Mr. Paul Morgan, Planner, with the aid of overheads, presented the staff report.

**MOVED by Councillor Sarto, seconded by Councillor Cunningham, that:**

1. That Clayton Developments request to amend the Portland Hills development agreement be referred to Regional Council with a recommendation that a plan amendment process be initiated and that a public participation program be undertaken in accordance with the Public Participation Resolution adopted by Regional Council on February 25, 1997.
2. That Clayton Developments proposal to develop its lands between Russell Lake and the Circumferential Highway be referred to the Morris-Russell Lake Public Participation Committee for review and recommendation.

**MOTION PUT AND PASSED UNANIMOUSLY.**

11. **MOTIONS - NONE**

12. **ADDED ITEMS**

12.1 **Status Sheet - Councillor Smith**

At the request of Councillor Smith, Community Council agreed that outstanding status sheet items would be listed under the Business Arising Out of the Minutes section of the agenda.

13. **NOTICES OF MOTION - NONE**

14. **PUBLIC PARTICIPATION**

### **Budget Process**

Mr. Bruce Fisher, Financial Services, with the aid of overheads, presented the report noting the following:

- Where HRM is today
  - Multi-Year Financial Strategy
  - Pay-as-you-go



- Tax Rates Declining
- Long Term Capital Plan
- Moving Forward - Strategic Initiatives
  - Regional Planning
  - Community Response Initiatives
  - Improved Transit Service
  - Public Participation
- Budget Process
- The Capital Budget Shortfall
- Total Assessment Values 2002-03 and 2003-04
- Fiscal Challenges
- Options

The Chair opened the floor for discussion with the only suggestion coming forward was that a “pie chart” may be helpful and easier for the residents in understanding where the monies are being allocated and spent.

**15.            NEXT MEETING**

The meeting is scheduled for Thursday, March 6, 2003.

**16.            ADJOURNMENT**

The meeting was adjourned at 10:15 p.m.

Julia Horncastle  
Legislative Assistant