

HARBOUR EAST COMMUNITY COUNCIL
MINUTES
May 1, 2003

PRESENT: Councillor Bruce Hetherington, Chair
Councillor Ron Cooper
Councillor Brian Warshick
Councillor Jim Smith

REGRETS: Deputy Mayor Harry McInroy
Councillor Condo Sarto
Councillor John Cunningham

STAFF: Ms. Karen Brown, Municipal Solicitor
Ms. Julia Horncastle, Legislative Assistant

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HALIFAX REGIONAL MUNICIPALITY

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1. **CALL TO ORDER**

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

2. **APPROVAL OF MINUTES - April 3 (regular session) and April 15 (special session), 2003**

MOVED by Councillor Cooper, seconded by Councillor Smith, that the minutes of April 3 (regular session) and April 15 (special session), 2003, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Added Items

12.1 Councillor Smith - Schedule for Clearing Storm Sewer Lines, Catch Basins in North Dartmouth

MOVED by Councillor Cooper, seconded by Councillor Warshick, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

4.1 **STATUS SHEET ITEMS**

4.1.1 **Wilderness Park, Dartmouth**

No information received. To remain on Status Sheet.

4.1.2 **Proposed Industrial Park, South Woodside**

No information received. To remain on Status Sheet.

4.1.3 **Hardman Group Parking Facility**

No information received. To remain on Status Sheet.

4.1.4 **Powers of Community Council**

No information received. To remain on Status Sheet.

4.1.5 Subdivision of Lot 41 Ritcey Crescent

No information received. To remain on Status Sheet.

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

No information received. To remain on Status Sheet. Further request be forwarded to staff requesting a report be forwarded to the June 5th meeting.

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - NONE

8. PUBLIC HEARING

8.1 Case 00523 - Amendment to Development Agreement for Greenridge Mobile Home Park

- First Reading was given on April 15, 2003.
- A report from the Harbour East Planning Advisory Committee dated April 11, 2003, on the above noted, was before Community Council.
- Staff report dated April 1, 2003, on the above noted, was before Community Council.

Mr. John MacPherson , Planner, with the aid of overheads, presented the staff report. He advised the application resulted from a road modification to Fredericks Lane, noting the developer is not looking to increase the number of lots.

In response to Councillor Warshick regarding the recreation component, Mr. MacPherson said some earthworks have been done but nothing to the extent required.

On further question, Mr. MacPherson advised the open space noted is not included in the recreation component.

In response to Councillor Warshick regarding the parkland, Mr. MacPherson advised Parkland Planning was consulted and they were satisfied that the proposed park was satisfactory.

On further question, Mr. MacPherson advised the \$22,500.00 was adequate to develop the

recreation area as it simply involves leveling and sodding of the site. He further advised that staff had undertaken two site visits to ensure there were no violations with regards to compliance with the agreement.

In response to Councillor Smith, Mr. MacPherson advised that project would be at an end on completion of fifty units.

On further question from Councillor Smith, Mr. MacPherson advised that this application was dealing with twenty-six spaces with the maximum number being fifty. He advised there is no increase in spaces just an adjustment in the placement of the road.

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

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

MOVED by Councillor Cooper, seconded by Councillor Smith, that the Harbour East Community Council:

- 1. Approve the amendments to the development agreement shown in Attachment 1 of the staff report dated April 1, 2003, to permit mobile home space development at a minimum lot area of 4,000 square feet and a minimum lot frontage of 40 feet;**
- 2. Approve the amendments to the development agreement as shown in Attachment 1 of the staff report dated April 1, 2003, requiring the developer to provide the Municipality with security in the amount of \$22,500 to ensure the completion of the Active Recreation component required by Part 3.4(c) of the agreement; and,**
- 3. Require that the Amending Agreement 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 approval is later, including applicable appeal periods; otherwise, this approval will be void and obligations arising hereunder shall be at an end.**

Councillor Warshick expressed concern that the amount provided for the development of the parkland area may be too low.

MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Case 00575 - Mobile Signs - Land Use By-laws for Cole Harbour/Westphal and Eastern Passage/Cow Bay

- First Reading was given on April 15, 2003
- A report from the Harbour East Planning Advisory Committee dated April 11, 2003, with noted attachments, was before Community Council.
- Staff report dated February 10, 2003, on the above noted, was before Community Council.
- Correspondence from Eric Corkum, Suzuki in Dartmouth, Terry Oxford and Luc Erjavec, Vice President - Atlantic Canada, Canadian Restaurant and Foodservices Association, was circulated to Community Council.

Mr. Mitch Dickey, Planner, with the aid of overheads, presented the staff report.

In response to Councillor Warshick regarding fines and removal of signs in violation, Mr. Dickey advised that the Land Use By-laws are hard to enforce and signs are low on the prosecution list. There is no ability to write tickets or enter onto a property and remove the signs at the present time but the ability to issue tickets will be included as part of the new sign by-law.

Councillor Hetherington called for those wishing to speak either in favour of or in opposition to the proposed amendments.

Mr. Peter O'Brien

Mr. Peter O'Brien, Vice President, Atlantic Canadian Federation of Independent Business, 1888 Brunswick St., stated he supports signage regulations but is concerned that there has been no consultation with businesses stressing there is a need to sit with the business community. He noted advertising costs can be high for small businesses and many cannot afford permanent signage. He stated the right way to do this would be to have one set of regulations for all of HRM. He stated they are willing to work with staff to find a solution for appropriate and reasonable signage. He stated he would prefer to see this deferred until after proper debate or until region wide regulations are adopted. He suggested the municipality not oppose signage but restrict businesses to six months.

Mr. Jim O'Connor

Mr. Jim O'Connor, Globe Signs and Promotions, spoke against the proposed amendments. He stated he represented mobile sign companies and they feel there is a need for proper

regulations and enforcement. He stated it seems premature to do this right now for this small area. The signs can be properly dealt with by spacing of signs and limiting to one on each property. Mobile signs are cost effective and there is a role for them with regards to smaller businesses. There are numerous uses for mobile signs and this seems unreasonable. He stated there is a need to have more dialogue. He noted the HRM By-law will soon be coming forward and requested this be postponed until the issue can be addressed on a larger scale.

Mr. Cyril Chapman

Mr. Cyril Chapman, Cole Harbour Glass, Cole Harbour Road, stated the signs work in Cole Harbour. He advised he uses mobile signs in his business and he would like to see more consultation with businesses and the people who are involved and impacted in order to come to a decision as to how to alleviate problems.

Ms. Shauna O'Brien

Ms. Shauna O'Brien spoke in support of the use of the signs. She stated she has a small home based business and the permitted signs are too same to provide an effective advertising tool.

Ms. Gloria McCluskey

Ms. Gloria McCluskey spoke against the recommendations. She suggested Community Council wait until the HRM By-law comes forward. She stated these amendments will create a hardship for small businesses especially the sixty day once a year requirement. She noted larger businesses can afford to pay for advertising but the smaller business do not have the same resources. She agreed that there has to be a control so that they do not create a hazard or an obstruction. She noted some changes can be made but these amendments may have the effect of putting some people out of business. She suggested Community Council wait until the HRM By-law is put in place.

Mr. Dave O'Connor

Mr. Dave O'Connor, Globe Promotions, stated there is a need for control but this is a good form of advertising. Many small groups do not have the money for larger signs and need these to advertise. He stated there has to be a fair playing field.

Mr. Steve Gauthier

Mr. Steve Gauthier, Bright Mobile Signs, Dartmouth, stated sign companies have worked to achieve a fair business and until a fair compromise is reached he is in favour of regulation not

elimination.

A resident of 3200 Kempt Road, Halifax, expressed concern that these amendments would virtually eliminate the use of mobile signs. He stated many businesses cannot afford big signs and this will hinder small groups from advertising. He stated these amendments would be unfair to small businesses that own their own mobile signs and if these amendments are passed they will lose their investment. He agreed that regulations are needed but not complete elimination.

Councillor Hetherington called three times for any additional speakers. Hearing none, the following motion was placed.

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

MOVED by Councillor Cooper, seconded by Councillor Smith, that the Harbour East Community Council approve the proposed amendments to the Land Use By-laws for Cole Harbour/Westphal and Eastern Passage/Cow Bay, as shown in Attachments 1 and 2 of the report date February 10, 2003.

Councillor Cooper noted that the main reason these amendments were coming forward was to address the unsightly signs on municipal property. He noted new businesses will have the ability to put up new signs.

Councillor Warshick noted there is a new Regional By-law coming forward and stated he was not comfortable supporting these amendments at this time and would prefer to defer the matter. He further stated there should be full consultation with businesses and sign companies.

Without a vote being taken on the motion on the floor, the following motion was placed.

MOVED by Councillor Warshick, seconded by Councillor Smith, that the matter be deferred until after Regional Council addresses the Sign By-law.

In response to Councillor Cooper as to the effect the deferral may have with respect to the fact that the amendments were advertised, Mr. Dickey advised the amendments went into effect fourteen days prior to the public hearing and would remain in effect for a period of 120 days after which time the matter would no longer be under the purview of Community Council.

Councillor Smith received clarification that someone could apply for a sixty day sign if they meet all the requirements but illegal signs would be gone.

MOTION TO DEFER PUT AND PASSED.

9. CORRESPONDENCE AND DELEGATIONS

9.1 Correspondence - None

9.2 Presentation

9.2.1 Update - Dartmouth Lakes Advisory Board

Ms. Audrey Manzer, Chair, Dartmouth Lakes Advisory Board outlined the mandate and purview of the Board noting some of the projects and developments that have been addressed by the Board since its inception. She noted other levels of government are consulted on many of the issues and members of other government agencies play a role in the decision making process.

Councillor Hetherington thanked Ms. Manzer for her presentation. No further action required at this time.

10. REPORTS

11. MOTIONS

12. ADDED ITEMS

12.1 Councillor Smith - Schedule for Clearing Storm Sewer Lines, Catch Basins in North Dartmouth

MOVED by Councillor Smith, seconded by Councillor Warshick, that Environmental Services be requested to provide a staff report regarding the flooding that took place in District 9 on March 31st, specifically addressing the following:

- 1. The state of preparedness for such events.**
- 2. The number and location of the calls in District 9.**
- 3. The integrity and capacity of the discharge system from Little Albro Lake to the Harbour.**
- 4. Note any capacity or integrity issues of the storm sewer system.**
- 5. The schedule for catch pit cleaning. The report to specifically identify the dates the catch pits were cleaned on Ferguson Road, Westbrook Avenue, Frances Street, Courtney Road and Albro Lake Road.**

MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

15. NEXT MEETING

The next meeting is scheduled for Thursday, June 5, 2003.

16. ADJOURNMENT

The meeting was adjourned at 9:00 p.m.

Julia Horncastle
Legislative Assistant