

NORTH WEST COMMUNITY COUNCIL

MINUTES

MAY 1, 1997

THOSE PRESENT: Councillor Harvey, Chair
Councillor Barnet
Councillor Kelly
Councillor Rankin
Councillor Mitchell

ALSO PRESENT: Gerry Goneau, Municipal Solicitor
Thea Langille, Planner
Betty MacDonald, Principal, Priority and Policy Group
Sandra Shute, Assistant Municipal Clerk

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1. **CALL TO ORDER**

The meeting was called to order at 6:00 p.m. at the Sackville Library, 636 Sackville Drive, Lower Sackville. The Chair advised that the community of Sackville has been saddened by the death of Richard Derbyshire, the last Fire Chief of Sackville prior to amalgamation. Following the Invocation, there was a minute of silence in his memory.

It was agreed that a letter of condolence would be sent to the family of Richard Derbyshire on behalf of Community Council.

2. **APPROVAL OF MINUTES - APRIL 10, 1997**

MOVED by Councillors Rankin and Barnet that the Minutes of meeting held on April 10, 1997 be adopted as circulated. MOTION PUT AND PASSED.

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

Added Items: Report from Transit Advisory Committee - Proposed Changes to Route 21
Reply from Fire Services re Burning in the Former Halifax County
Reply from Halifax County Watershed Advisory Board re establishment of one Advisory Committee for the North West region

Councillor Barnet: Letter to NS Dept of Housing re Tynes Court vacant property
Letter to NS Dept of Housing re meeting to be set up regarding a long standing drainage issue

Councillor Rankin: Twinning of Highway 103 - Presentation by Department of Transportation - Ralph Spares
Halifax Regional School Board

MOVED by Councillors Mitchell and Barnet to approve the Order of Business as amended. MOTION PUT AND PASSED.

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

5. **MOTIONS OF RECONSIDERATION**

5.1 **Amendment to Terms of Reference - North West Community Council - Section 3.1 re Number of Regular Meetings per Year**

MOVED by Councillors Rankin and Mitchell to defer until another time. MOTION PUT AND PASSED.

6. **MOTIONS OF RESCISSION** - None

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

8. **PUBLIC HEARINGS**

8.1 **Application No. RA-FEN-005-96-19-CR - Application by the Church of the Nazarene to rezone the property at 740 Beaver Bank/Windsor Junction Cross Road to permit the development of a church and associated facilities**

Thea Langille, Planner provided an overview of the Staff Report dated April 3, 1997 for an application to rezone the property from I-1 (Mixed Industrial) Zone to MU-1 (Mixed Use 1) zone. The uses proposed by the applicant as well as the application for the MU-1 zone for this particular property comply with the policy within the Plan and were, therefore, supported by staff. Staff was recommending approval of the application.

There were no questions from Community Council.

Speakers in Opposition

Councillor Barnet, the Councillor for the District in which the property was located, recommended that the usual order be reversed and that speakers opposed to the application be heard first. There were no speakers in opposition.

Speakers in Favour

Bill Sunberg, Pastor of the Church requested that all those stand who were present in support of the application. Approximately 25 people stood in support.

Mr. David Barrett stated that in this day and age, the way society is going, the more churches and volunteer groups that can be encouraged to build in the area, the better. He understood the church had a struggle to get the rezoning in terms of time factors and suggested that the approval process could be speeded up in the future.

Decision by Council

Councillor Barnet advised he had not heard anyone speak in favour or against the application. He had spoken to neighbours but they had not raised any issues. As far as the approval process was concerned, applications did take time to move forward; however, Community Council had agreed to hold the meeting a week earlier to accommodate the application. He understood that time was of the essence with regard to this application.

There was no correspondence received either for or against the application.

MOVED by Councillors Barnet and Kelly that the application by the Church of the Nazarene to rezone the property at 740 Beaver Bank/Windsor Junction Cross Road from I-1 (Mixed Industrial) Zone to MU-1 (Mixed Use 1) zone be approved. MOTION PUT AND PASSED.

8.2 Application No. 7462 - Amendments to the Indian Lake Golf Course Development Agreement

8.2.1 Non-Substantial Amendment to Allow Food Service in the Main Building

Thea Langille, Planner provided an overview of the Staff Report as it pertained to the non-substantial amendment which can be approved by Resolution of Community Council without requiring a Public Hearing. The proposal was for a canteen-style service and, in this respect, staff had ascertained this was an associated use with a golf course. As the application complied with the policies within the Plan and was considered a non-substantial amendment within the Development Agreement, staff was recommending approval.

Councillor Harvey pointed out this was not a Public Hearing - it was a non-substantial amendment that required only a motion of Community Council. There was, however, the opportunity for property owners who have been notified within 500' of the development to speak or send written submissions.

There were no questions from Community Council. There was no correspondence received for or against the application.

Speakers in Favour

Mr. Jim Durant, Prospect Bay advised he was one of the owners of the golf course. They wanted to provide soup, sandwiches and hot dogs and provide food for the people who came to play golf.

Speakers in Opposition

There were no speakers in opposition.

Decision by Council

MOVED by Councillors Mitchell and Rankin to adopt the amended agreement for the Indian Lake Golf Course to allow food service in the main building as contained in the Staff Report dated March 20, 1997. Further, Council requires that the amending agreement shall be signed within 120 days, or any extension or discharge thereof by Council upon request of the applicant, from the date of final approval by Council; otherwise, this approval will be void and obligations arising hereunder shall be at an end. MOTION PUT AND PASSED.

8.2.2 Substantial Amendment to Allow Bar Service (Serving of Alcoholic Beverages in the Main Building)

Thea Langille, Planner provided an overview of the Staff Report as it pertained to the substantial amendment to allow the sale of alcoholic beverages within the main building of the golf course. The applicant proposed to provide beer and spritzers and the Liquor Licence Board indicated that a Special Premises Licence would be required, which is for special situations such as golf courses. As far as staff was concerned, this was seen as an associated facility within the operation similar to that of food service. It was consistent with the Plan and policies within the Plan. The sale of alcoholic beverages would not adversely affect the neighbouring community by way of noise, traffic generation, visual intrusion or littering. Staff was recommending support for the substantial amendment to allow the sale of alcoholic beverages in the main building of the golf course.

Councillor Rankin asked for clarification regarding different classes of liquor licences. In reply, Ms. Langille advised that if the application was successful, the applicant would go on to the Nova Scotia Gaming Commission and apply for a licence, the type would be determined depending on a number of different criteria. There would be a hearing at the provincial level.

Councillor Rankin asked if the applicant would be able to apply for video lottery terminals. In reply, Ms. Langille advised that the Gaming Commission indicated it was possible and would be addressed at the provincial public hearing. If the applicant wished to apply for VLTs, it would be a concurrent application.

Speakers in Favour

Ms. Heather Johnston advised she was a shareholder in the golf course, owned the property adjacent to it and did not see a problem with the application. She did not think the operation would continue into the night and did not expect any trouble. The residents

in the area would be the first to make sure there was no trouble. This was a positive development for the Goodwood area.

There were no questions from Community Council.

Mr. Jim Durant, Prospect Bay advised that it was intended, with the liquor licence, to provide a beer/drink for someone playing golf. Hours of operation would be controlled by how much sunlight there was. There was no intention to stay open to sell liquor. It was for the use of the golfer and not for the public to come.

Councillor Harvey asked if it was the intention to take up the option, if available, for VLTs. In reply, Mr. Durant advised that lottery machines did not fit into the plan for the golf course. The few that he had seen in other facilities, it seemed there were a few people sitting there all day long, smoking and putting money into the machine. They did not want that.

Mr. Ken Donnelly, Bayside advised he had a small investment in the golf course and had been playing golf for 25 years. He had been to many golf courses over the years but did not remember a golf course that did not have a bar in it. As well, golf courses did not stay open late; people had a drink after their round of golf but then headed home. A bar was a secondary part of the golf course. He noted that generally 20% of the revenue came from food and beverages and both food and beverages were important to make the operation viable.

There were no questions from Community Council.

Speakers in Opposition - None

At this time, the Chair read into the record a letter dated April 30, 1997 from Rodney and Beverly MacNeil and Sam and Terri Lynn Fancy and a letter dated April 27, 1997 signed by ten residents of Old Coach Road, both in support of the application.

Decision by Council

Councillor Mitchell stated that he had received three phone calls seeking information, he had looked at the property and was impressed. This was something that could give new life to the Goodwood area.

MOVED by Councillors Mitchell and Rankin to adopt the amended agreement for the Indian Lake Golf Course to allow bar service (serving of alcoholic beverages) in the main building as contained in the Staff Report dated March 20, 1997. Further, Council requires that the amending agreement shall be signed within 120 days, or

any extension or discharge thereof by Council upon the request of the applicant, from the date of final approval by Council; otherwise, this approval will be void and obligations arising hereunder shall be at an end. MOTION PUT AND PASSED

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS**

9.1 **Correspondence**

Having received correspondence from a resident of Seabright re burning grass, a Staff Report dated April 28, 1997 from Fire Services was before Community Council in reply to the resident's concern, listed under Added Items. It was agreed to receive the information and to forward a copy on to the resident, Mr. John Murray.

9.2 **Delegations**

9.2.1 **Bay Lookout Association**

Deferred to later in the meeting.

10. **REPORTS**

10.1 **Prohibition of Motorized Craft on Small Lakes**

This matter was referred from Regional Council's meeting held on April 1, 1997. The following items were before Community Council:

1. Copy of Report to Regional Council dated March 26, 1997 from Police Services.
2. Follow up Memorandum from Police Services dated April 8, 1997 re Coast Guard.
3. Memorandum dated April 10, 1997 from Bedford Waters Advisory Committee.

MOVED by Councillors Rankin and Kelly to advise Regional Council of agreement with the recommendation contained in the Staff Report dated March 26, 1997 to give consideration to the resources of the Canadian Coast Guard either directly or in concert with assisting community groups, i.e. Dartmouth Lakes Advisory Board, in the evaluation of the need for regulation with respect to the use of small lakes within the Halifax Regional Municipality.

Councillor Kelly requested that a copy of the report which indicates the responsibilities of the Coast Guard be sent to Bedford Waters Advisory Committee and indicate to them that further information will be made available regarding the final outcome of potential regulations for the whole of Halifax Regional Municipality.

Councillor Barnet expressed concern that there would not be complete prohibition of motorized craft on small lakes. He did not want the final outcome to mean that people would not be able to enjoy their property and the lake they lived on. He wanted it on the record that although Community Council was recommending this course of action, it did not commit in one direction or the other.

Councillor Kelly suggested a lake-by-lake approach, determine to what degree the public is using the waters in general and then evaluate from there which lakes would be subject to prohibition.

Councillor Mitchell pointed out that safety was the biggest issue and putting policies in place would provide control.

MOTION PUT AND PASSED.

10.2 Paper Mill Lake RCDD - Ratification of Area Advisory Committee for Amendment Application to DA #95-01.

A Staff Report dated April 24, 1997 was before Community Council.

MOVED by Councillors Kelly and Mitchell to ratify the membership of the Paper Mill Lake RCDD Area Advisory Committee, all former members, as follows: Bob Kerr, Len Goucher, Peter Sheehan, Greig Horton, Sandy Irwin, Mark Coffin and James Tremills and that Wayne Lemoine be appointed as an additional member to the Committee. Further, that an advertisement be placed in the newspaper requesting one additional member from the community at large.

Councillor Kelly explained that the seven people who were former members of the committee had done a good job and it was important to continue with the same approach. As the Paper Mill Lake area was a large development, he felt that one more committee member should be appointed.

MOTION PUT AND PASSED.

10.3 Report from Planning Advisory Committee

10.3.1 File No. PA-BED-008-96-CR - Amendment to the Municipal Planning Strategy and Land Use By-law to Permit the Expansion of a Car Dealership at 39 Dartmouth Road onto the Adjacent Properties of 43 Dartmouth Road and 84 Golf Links Road

A report dated April 24, 1997 from Planning Advisory Committee re the above application was before Community Council. The recommendation was that no change be entertained to the Bedford Municipal Planning Strategy and Land Use By-law.

MOVED by Councillors Kelly and Mitchell to support the recommendation of North West Planning Advisory Committee and recommend to Regional Council to deny the request for an amendment to the Municipal Planning Strategy and Land Use By-law to permit the expansion of a Car Dealership at 39 Dartmouth Road onto the adjacent properties of 43 Dartmouth Road and 84 Golf Links Road - File No. PA-BED-008-96-CR. MOTION PUT AND PASSED.

10.4 Second Lake Economic Feasibility Study

A Staff Report dated April 24, 1997 from Priority and Policy Group was before Community Council. Betty MacDonald, Principal provided an overview of the report.

Councillor Kelly asked if there was a time frame to quantify overall dollars. In reply, Ms. MacDonald advised that staff had been asked for comment. If a full economic opportunities study were to be done, it could cost approximately \$5,000 depending on what the Regional Development Association could do.

MOVED by Councillors Mitchell and Rankin to receive the report and forward a copy to the Local Development Association. MOTION PUT AND PASSED.

PRESENTATION TO SACKVILLE HIGH SCHOOL BAND

At this time, Councillor Harvey advised that the Sackville High School Band had placed first in the Concert Band Competition in the United States and Community Council wished to present a Certificate to the Band in recognition, on behalf of Halifax Regional Municipality. The Director and members of the Band were congratulated by Community Council for their positive accomplishments.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.2 Delegations

9.2.1 Bay Lookout Association

Councillor Mitchell introduced Victor Pittman, Elaine Pugh and Merla Shaw, members of the Board of Bay Lookout Association.

Mr. Victor Pittman advised that a Public Meeting has been scheduled for May 8 at Tantallon Junior High School regarding this matter and the Board felt it would be advisable to bring Community Council up to date prior to this meeting. Because Department of Fisheries and Oceans was getting rid of small craft wharves, including the one at Boutilliers Point in St. Margarets Bay, the Bay Lookout Association was looking for support for the Municipality acquiring the wharf for the sum of one dollar.

Mr. Pittman provided information on the benefits of acquiring the wharf, background information on the formation of the Bay Lookout Association and tentative plans for development. There was support from the local MP, MLA, Councillor, Regional Development Association and St. Margarets Bay Business Association.

Ms. Merla Shaw gave an overview of the plans the Association had for the proposed property and its suitable location.

Ms. Elaine Pugh provided information on the bird colonies, salt water marsh, vegetation and the uniqueness of the area.

Mr. Pittman went on to advise that Department of Fisheries and Public Works wanted market value for the land that they would not turn over for one dollar. It was hoped that the Municipality would see fit to purchase this land in keeping with the Planning Strategy for Planning Districts 1 & 3. He provided a copy of the portion of the Planning Strategy pertaining to water access to St. Margarets Bay and quoted from same. This was a unique opportunity for the Municipality to implement a part of the Strategy with a community based organization willing and able to be partners with the Municipality in the project. He was asking for support from Community Council when the proposal eventually goes to Regional Council.

Following the presentation, there was a question and answer period during which time Councillors were provided with further information on the proposal.

Councillor Mitchell outlined the process to date with regard to potential acquisition of the additional property. There had been a suggestion that the property designation could be changed to parkland but there was still the problem with fair market value. There was the possibility of leasing the property from Department of Fisheries; however, if the Municipality owned it, it could do what it wants with it and would qualify for grant money. Just recently, there had been agreement that the property could be taken over for the small parcel and if the larger parcel was not taken over completely, the boundary line could be moved; however, they wanted all the property.

MOVED by Councillors Rankin and Mitchell to endorse the concept in principle to Regional Council. MOTION PUT AND PASSED UNANIMOUSLY.

It was agreed that a copy of the endorsement would be sent to the local MLA and MP.

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **Twining - Highway 103**

Mr. Ralph Spares, Director of Infrastructure Management, Department of Transportation provided an overview, by way of a map of the area, of the recently announced twinning project for Highway 103 from Geyser Hill through Beechville, Timberlea, Five Island Lake to Exit 5 Tantallon - 18 km over a five year period. This year the section from Beechville to a point just short of Nine Mile River would be undertaken. As phases are completed, they would be opened to traffic. Department of Transportation wanted to investigate the possibility of flipping the lanes from one side to the other on the section of highway where the residential subdivisions are backed tight to the 103. Department of Transportation was willing to have cooperation and consultation with the community based on the fact that there is concern with residential development along the existing highway.

Councillor Kelly asked if the province has given further consideration to cost sharing in the landfill overpass. In reply, Mr. Spares stated that he understood this was an HRM initiative and the province was going to spend its money on twinning the highway.

MOVED by Councillors Rankin and Mitchell to send a letter to the Minister of Transportation and Public Works recommending that separation be addressed from Parkdale through to Hubley Interchange because the present proposal suggested there is further encroachment into the existing community of Timberlea and further that there be a more natural separation of a treed median, which would be much more aesthetic and pleasing for tourists and residents alike. MOTION PUT AND PASSED.

MOVED by Councillors Rankin and Mitchell that the Minister of Transportation and Public Works be encouraged to seize opportunities for contractors to support local hiring halls for this work.

Councillor Kelly asked for clarification regarding local labour. In reply, Councillor Rankin stated he meant local labour content, not local trucking.

Councillor Barnet asked if the province had a policy in this regard. In reply, Mr. Spares advised there was a standard procurement arrangement which was what all tenders were based on. To satisfy the local requirement, there would have to be some kind of special

provisions to the contract. If it was put in one, it would have to be put in all; the danger was of putting in jeopardy what you might gain through a contract in another area.

MOTION PUT AND PASSED.

It was agreed that a copy of the letter would be sent to Hon. Jim Barkhouse and Bruce Holland, MLA.

It was also agreed that a letter of congratulations should be sent to the Minister of Transportation and Public Works on the initiative taken to improve Highway 103 with a copy to Hon. Jim Barkhouse and Bruce Holland, MLA.

12.2 Report from Transit Advisory Committee - Proposed Changes to Route 21

A report from North West Transit Advisory Committee dated April 30, 1997 was before Community Council.

MOVED by Councillors Rankin and Kelly that inasmuch as changes are being contemplated at the present time for the August pick, that Transit Operations be requested to consider the pilot project for Greenwood Heights for implementation in August. MOTION PUT AND PASSED.

12.3 Establishment of One Watershed Advisory Committee for the North West Region

A letter dated April 10, 1997 from Halifax County Watershed Advisory Committee was before Community Council.

Councillor Kelly advised that this matter was on the Agenda for Committee Advisory Committee for the next meeting and a report would be forthcoming after that time.

12.4 Department of Housing

MOVED by Councillors Barnet and Kelly that a letter be written to Department of Housing with regard to the two building lots on the corner of Boxwood Crescent and Tynes Court with substantial bottom problems requesting that they turn over the property to the Municipality for parkland for the adjacent property owners. MOTION PUT AND PASSED.

12.5 Storm Drainage Easement - Bianca Court

Councillor Barnet explained that this has been an issue that has been on-going for quite some time relating to a piece of NS Department of Housing land sold to a developer with an existing municipally owned easement on the property. Some of the abutters have had problems dealing with staff trying to get a resolution that would successfully alleviate their concerns.

MOVED by Councillors Barnet and Kelly that staff of Engineering Department and Nova Scotia Department of Environment attend a meeting with himself and the principal property owner, Dan Hennessey at the site and physically look at the problems in an effort to address the concerns of Mr. Hennessey and his neighbours and that staff be requested to arrange the meeting as soon as possible. MOTION PUT AND PASSED.

12.6 School Overcrowding - District 22

Councillor Rankin advised he understood that the School Board had to reconfirm its priority list following amalgamation. At Hammonds Plains Elementary School there were four portables at present and another four would be required in September. They did not know where to physically locate them much less how to deal with the limited infrastructure. The school was constructed for 25 classrooms but other classes were being added and there were lineups at the bathroom and problems resulting therefrom. Another 200 lots were endorsed in the area which could come onstream before September. This situation was intolerable, not only in Hammonds Plains but anyplace in Nova Scotia. There was no question at the staff level of the School Board that there was an extreme need. He asked that Community Council endorse the request and confirm the need in the Hammonds Plains and Tantallon area to get on with school construction.

Councillor Mitchell stated he thought the number of portables could increase by ten next year.

Councillor Barnet stated there were concerns in most of the areas of the North West Region with overcrowding with the potential of thousands of new lots in the near future. It was certainly an issue the School Board would have to wrestle with and there has been discussion in other areas regarding closing schools which are underutilized. It was time for the School Board and the province to show some leadership. It was unacceptable to have children waiting in line at the washroom, no physical space for four additional portables.

Councillor Kelly pointed out that the provincial government should look at its policies because they were causing the problem. With regard to elementary schools, the policy was that there would be no more than 21 classrooms yet you could have portables outside which would use the same gym, washrooms, cafeteria. It was a ludicrous policy

considering the growth demands and if they know the schools have to be built, they should at least plan for expansion when needed. He suggested a module approach to new school construction and outlined same.

MOVED by Councillors Rankin and Mitchell to send a letter to the School Board expressing concern regarding overcrowding of the schools in Hammonds Plains and Tantallon and affirming the need for new schools to be built in both areas. MOTION PUT AND PASSED.

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION** - None

15. **NEXT MEETING**

MOVED by Councillors Rankin and Mitchell that Community Council meet on May 29, 1997 and June 26, 1997 and that the first meeting in June scheduled for June 12, 1997 be cancelled. MOTION PUT AND PASSED.

16. **ADJOURNMENT**

Meeting adjourned at 8:30 p.m.

Sandra M. Shute
Assistant Municipal Clerk