

NORTH WEST COMMUNITY COUNCIL

MINUTES

APRIL 23, 1998

THOSE PRESENT:

Councillor Barnet, Chairman
Councillor Kelly
Councillor Harvey
Deputy Mayor Rankin
Councillor Mitchell

ALSO PRESENT:

Barry Allen, Municipal Solicitor
Donna Davis-Lohnes, General Manager, Planning Applications
Grace Ho, Planner
Sandra Shute, Assistant Municipal Clerk

TABLE OF CONTENTS

1.	Call to Order	4
2.	Approval of Minutes - April 9, 1998	4
3.	Approval of the Order of Business and Approval of Additions and Deletions ..	4
4.	Public Hearing	
4.1	Application RA-FEN-006-97-22 - Application to Rezone Lands Adjacent to St. James Church - 1274 Hammonds Plains Road from R-1 (Single Unit Dwelling) Zone to P-2 (Community Facility) Zone	4
5.	Business Arising From the Minutes - None	8
6.	Motions of Reconsideration - None	8
7.	Correspondence, Petitions and Delegations	
7.1	Request for Grant from Sackville Rivers Association	8
8.	Motions of Rescission	
	Notice of Motion was given at the March 12, 1998 meeting to rescind the following motion: <i>MOVED by Councillors Harvey and Mitchell to adopt Option No. 2 as the basis for a revised Planning Advisory Committee structure to serve North West Community Council</i>	11
9.	Consideration of Deferred Business	
9.1	Terms of Reference - North West Planning Advisory Committee	11
10.	Reports	
10.1	North West Transit Advisory Committee re Fare Collection and Transfer System	12
11.	Motions - None	12

12.	Added Items	
12.1	Intersection Old Sackville Road and Beaverbank Connector Road	12
12.2	Entrance to Sackville High School Crosswalk	12
12.3	Upper Sackville Recreation Facility	13
12.4	Youth Drop In Centre - Bedford	13
12.5	Repaving - Route 333	13
13.	Notices of Motion - None	13
14.	Public Participation	13/14
15.	Other Business	15
16.	Adjournment	15

of the Community Facility Zone. As well, there are no immediate plans to build a Church; however, prior to a building permit being issued, terms for water and sewer hookup or on-site services would have to be negotiated. Staff was recommending, therefore, that the application be approved.

Questions from Council Members

Councillor Kelly asked if the 30' buffer could be disturbed. In reply, Ms. Ho advised that she understood the 30' buffer would not be owned by the Church. Residents have the opportunity to purchase the additional property. If they do not, it will remain under the current ownership.

Councillor Kelly asked how water would be negotiated with the Water Commission. In reply, Ms. Ho said that a water storage reservoir was needed in the Kingswood area as well as transmission lines. In the past, a lot levy was charged of \$1500 per dwelling. The Water Commission was unable to comment on how much a Church would be charged. A meeting will take place shortly in this regard but she understood it would be one rate for the whole acreage.

Speakers For or Against the Application

At this time, the Chair read into the record a letter from J. R. Richard, 108 St. George Boulevard, Hammonds Plains in opposition to the application.

Mr. Steven Petty, 11 Crestfield Drive advised he lived on the property adjacent to A-2 and spoke in opposition to the application. His lot would have the entire rear ripped out and the current use of A-2 would carry on. Under the current By-law, there should be 20' of landscaped frontage whereas there was 19'. Leading back from the street, approximately 20', there was a 2' landscaped area and from that point on there was nothing. The By-law indicated that parking areas should have a stable surface to prevent the rising of dust; however, it was currently gravel. Plowing during the winter results in gravel encroaching upon his property and possible damage to his car. Although the Church uses the parking lot only on Sundays, it is actually in use most of the day by people using the playground and for commuters. This results in noise from the gravel surface. With regard to the rear part of A-2, there was mounded dirt at the rear which affected his drainage and resulted in a flooded basement. He had to put in additional drainage. If that happens on the rear as well, there will be no direction for the water to travel out of his back yard.

Mr. Petty also expressed concern that there was a ballfield across from his property and ball players parked directly alongside his property line. After completion of the game, they congregated in the parking lot, drinking beer and talking until midnight. Although he was not opposed to a parking lot, he was opposed to the impact it would have and he was

asking for a guarantee that the Church was going to provide some protection to him. The only thing separating him from the proposed parking lot was three trees. The usage of A-2 indicates he would be provided with no protection.

Councillor Kelly asked for clarification on some of the points raised by Mr. Petty. Mr. Petty did so by way of using the overhead map and advised that if there was a preference for a hedge, shrubbery or fence, he would prefer a fence, no more than 4' at the front side of the house and then 8' for the rest of the side and rear. He added that the owner of the buffer property wanted \$3000 for the buffer area behind his lot.

Mr. Andre Susnik, 19 Crestfield Drive did not agree with the statement that Uplands Park would not grow anymore as there were two empty lots on Crestfield Drive for access to new subdivisions which he understood were owned by the Housing Commission and could possibly be used for another access to Kingswood. Also, with regard to use of the parking lot once a week, he said there were two services a week plus other activities such as a Fashion Show. He asked if Department of Transportation intended to erect No Parking signs in the Church area because he felt even if there was an expanded parking lot, people would still park on the road because they wanted to get out quickly. He felt the 30' plus 8' from the property line would not be adequate protection, particularly if the Church decides to cut down the trees. If the rezoning was approved, there should be the ability to impose certain new conditions in order to provide additional protection.

Councillor Kelly asked, if Mr. Susnik's points were addressed, was he for or against the application. In reply, Mr. Susnik said he was not particularly opposed but had the above comments which should be addressed.

Councillor Kelly asked for clarification regarding parking on street once the parking lot was built. In reply, Ms. Ho advised there were No Parking signs on Hammonds Plains Road but she was not aware of any plans for Crestfield Drive.

Councillor Barnet asked for clarification regarding the road reserve. Ms. Ho advised she was not aware of any future plans for connections.

Councillor Barnet asked for clarification regarding imposing new conditions. In reply, Ms. Ho said there was no opportunity under a rezoning context. If the rezoning is approved, the conditions that exist under the current Land Use By-law would be the ones in effect.

There were no further speakers.

Rebuttal by Applicant

Mr. Cecil Pothier, Chair of St. James Church Council provided a surveyor's drawing prepared when Lot A-2 was developed which shows the driveway of the adjacent property, property lines and site conditions. The driveway for Civic No. 11 shows the encroachment of the driveway over to Lot A-2. A parcel of land 6' in width where the cedar hedge is located was to have been left as a buffer; unfortunately, they had misunderstood what the appropriate buffer should be - which was now understood to be 8' - and they were prepared to widen to 8' and landscape the area. When the parking lot was developed, the excavation contractor was told to remove topsoil as required to bring the parking lot up to highway standards. Since they did not realize there was a problem with drainage, it was something that would have to be considered. If there was a problem with the new proposed excavation where there was a drop of 2', if it causes a problem with Civic No. 11, it could be addressed and levelled off as part of the overall landscaping. As far as people using the parking lot for other than Church purposes, they had not had any problems and were not aware that problems were being created with the adjacent landowners. This would have to be discussed and dealt with subsequent to this meeting. If people did not park in the parking lot, they would park on the street unless there was no parking there. If there was no parking on the street and no parking in the parking lot, people could not use the ballfield. With regard to development of the new parking lot adjacent to and behind Civic No. 11, there was a 30' parcel of land currently existing beyond all the lots along Crestfield Drive and it was the property owner's option whether or not to purchase. Beyond that, there would be an additional 8'. With regard to fencing, it was not something that was required under By-laws. The most they would consider would be cost sharing on the planting of evergreens.

Councillor Kelly asked who owned the cedar hedge. Mr. Pothier advised the Church owned it and it was left to try to provide some privacy for the adjacent landowner. The cedar hedge was higher than the house.

Decision by Council

MOVED by Deputy Mayor Rankin and Councillor Mitchell that the application to rezone the lands adjacent to St. James Church, 1274 Hammonds Plains Road from R-1 (Single Unit Dwelling) Zone to P-2 (Community Facility) Zone be approved.

Deputy Mayor Rankin stated he was cognizant of the parking problems in the area and had requested that No Parking signs be erected along Hammonds Plains Road adjacent to the Church because of safety concerns. This was a rezoning, not a Development Agreement, and therefore was based on certain criteria. The application will clearly ameliorate traffic problems. Institutional uses were already provided for in the Plan and already an existing use. There was no one in attendance saying they did not want that use in the community. In his opinion, the current traffic problems were an untenable situation. He quoted that "good fences make good neighbours" but this was beyond the scope of the application.

Councillor Harvey, having obtained confirmation that the Church did not own the lot in question now, referred to the comments made particularly by the adjacent landowner and even though the matters were not required by right in P-2, said he presumed that in the interests of being a good neighbour, he hoped the applicant would take whatever reasonable steps possible to mitigate any of the negatives that might occur from the development.

Councillor Kelly recommended that the applicant should take the time to discuss with the neighbours what is going on and try to resolve any problems that may come up.

MOTION PUT AND PASSED.

At this time, the Chair called a short recess.

5. **BUSINESS ARISING FROM THE MINUTES** - None
6. **MOTIONS OF RECONSIDERATION** - None
7. **CORRESPONDENCE, PETITIONS AND DELEGATIONS**
- 7.1 **Request for Grant from Sackville Rivers Association**

A letter dated April 9, 1998 from Dennis Bicknell, President, Sackville Rivers Association was before Community Council requesting consideration of the provision of a grant in the amount of \$8,000, which would be part of a total amount of \$40,000 required to rehabilitate 650 metres of Sackville River salmon spawning and nursery habitat along the Sackville River. The remainder of the \$40,000 would be matched by Sackville Rivers Association and the Adopt-A-Stream program.

Dennis Bicknell, President, Sackville Rivers Association spoke in support of the request for partnership by way of a grant of \$8,000. Included in the presentation was the fact that an application has not been put forward as yet because there was requirement for the inclusion of information as to where the funding was being obtained.

Deputy Mayor Rankin pointed out that the request was to Community Council and the only funding he was aware of through Community Council was the Sackville Landfill Compensation Fund. He asked if this request was a candidate for this type of funding.

Councillor Barnet advised that when Sackville Community Council originally called for proposals for funding, Sackville Rivers Association put forward a number of proposals. In total, he thought they had been granted somewhere in the vicinity of \$100-150,000 for different projects. Subsequently, there was also additional funding for construction of a

fishway. He pointed out that the Sackville River watershed takes in more than just Sackville - parts of Hammonds Plains, Lucasville and Bedford. The particular area being addressed at this time was in the vicinity of Bedford. He suggested having a Committee of the Whole meeting to look at different options and opportunities. There was also an HRM Grants Committee.

Councillor Mitchell suggested that \$4,000 could come out of the landfill funds and, with regard to the rest, the five Councillors could come up with \$4,000.

Councillor Kelly pointed out that once the leachate has been processed, it is disbursed into the Sackville River. He agreed it may be outside the boundary of Sackville but the impact of the landfill would be forever, occurring all the way down. He supported the suggestion for \$4,000 from the landfill fund and finding the remainder from somewhere else.

Councillor Harvey asked for information on the time line in order to do the proposed work this summer. In reply, Mr. Bicknell advised the Adopt-A-Stream program could react fairly quickly but the sooner there was an answer, the better. He did not know if there was an actual cutoff date.

MOVED by Councillor Mitchell and Deputy Mayor Rankin that \$4,000 come from the Sackville Landfill Compensation Funds, and that the other \$4,000 be found elsewhere.

Councillor Mitchell pointed out that funding through the Grants Committee would never be received in time, if approved. There was a window of opportunity here and should be pursued.

Mr. Walter Regan, Sackville Rivers Association advised that permits were required from Department of Environment and Fisheries and Oceans before anything could be done to the river. This was an involved process and they could not apply for the permits until the funding was in place.

Councillor Barnet asked if the projects being carried out were to resolve impacts from the landfill or from silting from residential development. In reply, Mr. Bicknell stated that the work proposed was to bring the river back to the state before the major highways, which changed the route of the river, the gravel pits on the river and to replace salmon habitat in certain areas.

Councillor Barnet said he believed the landfill compensation funds were intended to compensate residents for problems and nuisances, not to restore or regenerate components of the environment; however, residents have clearly indicated this was a priority. Funds were, therefore, allocated for this reason. He supported the initial

application by Sackville Rivers Association. He cited the number of projects that had been undertaken with the originally approved funding. With regard to the remaining dollars in the fund, he wanted to ensure that they were directed in the right way even though he had supported the restoration of the fish ladders subsequent to the original approval. At some time in the future, there needed to be a recommendation on how to disburse all the remaining funds. He would not be supporting the motion on the floor but would agree to referral to a Committee of the Whole.

Councillor Kelly said this was just another step to bring the Sackville River back. He asked for clarification that Community Council had the right to allocate the funds. In reply, Councillor Barnet advised that the Act indicates that the Councillors for the Districts of Sackville had the jurisdiction to expend funds from the Landfill Compensation Fund in the absence of Community Council. If there was a Community Council, then it would have the jurisdiction, namely North West.

Deputy Mayor Rankin referred to his previous request for a statement regarding the landfill funds to the end of March, 1998. This has not been received as yet.

Councillor Barnet provided information on the funds to date, either in the form of trust funds or preallocated. Many of the ratifications by North West Community Council were ratification of recommendations from Sackville Community Council in the past being brought to completion. In terms of unallocated funds, there was not much left. Until there was an opportunity to deal with the unallocated funds in total, he did not think there should be continuing approvals on an on-going basis. He asked Community Council's indulgence to allow the opportunity to look at this at a Committee of the Whole meeting in time for a report for the next meeting on May 14.

Councillor Harvey said he did not oppose referring to Committee of the Whole for further discussion provided there was financial information available, especially with regard to uncommitted funds.

Councillor Harvey asked if the project was on the Sackville side of the Bicentennial. In reply, Mr. Bicknell said there was flexibility as to what side of the bridge but the main intention was the DND property area.

MOVED by Councillors Harvey and Kelly to refer to a Committee of the Whole at which time it will be possible to ascertain what monies are available in uncommitted interest and bring back a firm recommendation to the next meeting of Community Council.

Deputy Mayor Rankin asked if this could also include examination of policies. Councillor Harvey advised he would have no difficulty in discussing this.

MOTION PUT AND PASSED.

8. MOTIONS OF RESCISSION

Notice of Motion was given at the March 12, 1998 meeting to rescind the following motion: *MOVED by Councillors Harvey and Mitchell to adopt Option No. 2 as the basis for a revised Planning Advisory Committee structure to serve North West Community Council.*

Councillor Kelly advised that both Community Council and staff were aware of his concerns and he was asking for Option 2 to be rescinded to be replaced with Option 1 which, in his opinion, would establish a more equal distribution as it relates to development pressures, would be more equitable with regard to work load as it relates to the MPS review and would have a more equitable performance standard analysis time frame.

MOVED by Councillor Kelly to rescind the motion as indicated.

The motion was lost due to lack of a seconder. The original motion stands.

Councillor Kelly advised that the community, therefore, would be taking alternate measures to rectify either its relationship with Community Council or with other factors. Unfortunately, Community Council did not seem to be able to address the concerns fast enough to meet the community needs; therefore, he will be exploring other options.

9. CONSIDERATION OF DEFERRED BUSINESS

9.1 Terms of Reference - North West Planning Advisory Committee

Councillor Barnet read into the record a letter from the Chair of North West Planning Advisory Committee advising of the difficulty with carrying on business when there are problems with obtaining a quorum.

Councillor Harvey said he understood that PAC will carry on in its present form until it is replaced by two other bodies. He asked for clarification from staff because he expected the present PAC will be meeting before the two new ones are put in place.

Ms. Donna Davis-Lohnes, General Manager, Planning Applications advised that the present PAC will continue until such time as new appointments are made to the two new PACs. Staff will move to develop Terms of Reference immediately.

MOVED by Councillors Harvey and Mitchell to grant the request to reduce the quorum from six to four members for as long as the Planning Advisory Committee is in its present form. MOTION PUT AND PASSED.

10. **REPORTS**

10.1 **North West Transit Advisory Committee re Fare Collection and Transfer System**

A Report dated April 15, 1998 was before Community Council with a recommendation that an updated study be carried out re the fare collection and transfer system.

Councillor Harvey, Liaison Councillor for the Committee, provided background information on the recommendation and stated that a new study, if carried out, would either confirm that the present system is the best way or may suggest reforms that could impact on the bottom line.

MOVED by Councillor Harvey and Deputy Mayor Rankin to request staff to carry out an updated study re the fare collection and transfer system. MOTION PUT AND PASSED.

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **Intersection Old Sackville Road and Beaverbank Connector Road - Accidents**

MOVED by Councillors Harvey and Mitchell to request a report from Traffic and Transportation on the accident history on this intersection, bearing in mind there will have to be considerable co-operation with Department of Transportation and Public Works as the Beaverbank Connector Road is a provincial responsibility. Further, that the report should address enhanced safety measures that may be instituted at that intersection to reduce the number of accidents, which appear to be very frequent. In this regard, consideration should be given to reducing the speed limit and installing rumble strips on lanes exiting Highway 101. MOTION PUT AND PASSED.

It was agreed that copies of the request would be sent to the two MLAs in the area.

12.2 **Entrance to Sackville High School - Crosswalk - Metropolitan Drive**

Councillor Harvey advised he had been approached by Sackville High School Community Council to initiate a study of the intersection where the driveway comes out at Metropolitan Drive and Kingfisher Way and Lydgate Drive to see if it warrants a crosswalk and to confirm that the appropriate signage is there for a school zone.

MOVED by Councillors Harvey and Kelly to request Traffic and Transportation to carry out a study as indicated. MOTION PUT AND PASSED.

It was agreed to advise the Sackville High School Community Council of the action taken.

12.3 Upper Sackville Recreation Facility

A Memorandum dated April 23, 1998 re the above was before Community Council. Councillor Barnet explained the situation with regard to the opportunity for project savings and the original contract. The recommendation was for staff to be directed to negotiate with the contractor to carry out the additional work and be authorized to proceed with the contract change. Cost of the work would be approximately \$30,000.

On a question from Councillor Kelly as to whether or not a decision can wait for the Committee of the Whole meeting and the subsequent next meeting of Community Council, Councillor Barnet explained that the contractor would be off the site by then.

MOVED by Councillors Harvey and Kelly to ratify the expenditure of approximately \$30,000 from funding for the Upper Sackville Recreation Facility as outlined in the Memorandum with Engineering staff being directed to negotiate with the contractor to carry out this additional work and be authorized to proceed with this contract change. MOTION PUT AND PASSED.

12.4 Youth Drop In Centre - Bedford

Councillor Kelly advised that quite some time ago he had requested a report from staff with respect to using the lower portion of the former Bedford Fire Hall for a Youth Centre.

MOVED by Councillor Kelly and Deputy Mayor Rankin to request that this report be done as quickly as possible and brought forward to Community Council and the Youth Council for the community. MOTION PUT AND PASSED.

12.5 Repaving - Route 333

A letter dated April 17, 1998 from Department of Transportation was included as an Information Item. The repaving this year will be 6 km. It is hoped to complete the project over a four-year period.

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION

Mr. Tony Edwards raised the following points:

- He was opposed to a new Library for Halifax. He suggested an extension to the existing building and remodelling but could not justify a new one until such time as all the libraries are open on Monday and the Bedford Library is open on Sunday. Councillors Barnet and Kelly indicated they were opposed to a new Library; however, Councillor Harvey expressed support.
- He expressed concern that you could not pay parking tickets at the Gottingen Police Station any more, even though the counter is still there. In reply, Councillor Barnet advised you could pay at Duke Tower Customer Service Centre. There had been a change in that Corporate Services now had responsibility for ticketing rather than the Police Department.
- He expressed concern with the way brush and trees were cut along the railway tracks in Bedford, with traffic signs lying on the ground and the fire hazard. Councillor Kelly advised that this has been brought to staff's attention. Staff was contacting CN and he was awaiting a report through Regional Council.

Mr. Ross Judge, who owns a summer cottage on Sandy Lake, raised concern with the tax rate being charged for his cottage, particularly since he did not have access to a highway, sidewalks, garbage collection, transit and the cottage was empty six months of the year. He was asking for credit for these items on his tax bill and pointed out the area should be rural not urban. In reply, Councillor Kelly advised that Mr. Judge's property was one of the properties he brought forward to Regional Council during budget deliberations. A Staff Report will be forthcoming in the near future as to which areas will be able to recapture some of these charges.

Mr. Walter Regan, Sackville Rivers Association raised the following points:

- He provided information on the number of trout and salmon being released into the Sackville River in the near future.
- He invited Councillors to attend the 10th Annual General Meeting of Sackville Rivers Association to be held on June 4, 1998 at 7:00 p.m. at the Cobequid Centre.
- He advised that Clean Up programs would take place in Sackville and Bedford on May 30, June 6 and June 13.

Mr. Wayne MacPhee raised the following points:

- He asked what concrete action was being taken to improve the recovery rate for Centennial and Needham pools. He was told that staff are reviewing those two facilities.
- He asked for information on funding for an amphitheatre in Millwood. There was no information available other than there was an understanding there was an intention to fund raise.
- He advised there was an increase in soccer registrations and asked what was the time frame for improving Sackville Heights Junior High field. In reply, Councillor Barnett said it would be part of the overall construction of the facility and suggested contacting Andrea Murphy at the Sports Stadium regarding other facilities that might be available. Councillor Harvey added that he understood construction would begin in June but he did not think the field could be used this year.
- In his opinion, baseball registration was declining in the community. He asked if it would be possible to fill in a backstop on Leslie Thomas Field so that Soccer could play more teams. Since soccer was increasing and baseball decreasing, he asked why baseball fields were not being converted to soccer fields. Councillor Barnett outlined the monies spent for soccer since prior to amalgamation and said he understood that Monarch Field was underutilized. As far as the backstop was concerned, Mr. MacPhee was told to contact Jim Naugler, Recreation.

15. **OTHER BUSINESS**

Deputy Mayor Rankin advised he wanted Community Council members to know that next Tuesday he might bring forth a Resolution for District 22 to remove itself from North West Community Council. He reflected back to the formation of Community Council and acknowledged he had been one of the prime movers to institute Community Councils. He cited the reason for his intention as the lack of general interest in his community for the Agenda for Community Council, with no one showing up except when there was a special interest. He explained that he wanted to provide the best representation possible for his community and how he would go about that in future. He asked for support when he brought the matter forward to Regional Council.

16. **ADJOURNMENT**

On a motion from Councillor Harvey, the meeting adjourned at 9:25 p.m.

Sandra M. Shute
Assistant Municipal Clerk

