

HALIFAX REGIONAL MUNICIPALITY

PENINSULA COMMUNITY COUNCIL MINUTES FEBRUARY 10, 2003

PRESENT: Councillor Sheila Fougere, Chair
Councillor Jerry Blumenthal
Councillor Dawn Sloane

**ABSENT WITH
REGRETS:** Councillor Sue Uteck

STAFF: Mr. Barry Allen, Municipal Solicitor
Ms. Sherryll Murphy, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER	4
2.	APPROVAL OF MINUTES - January 13, 2003	4
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	4
4.	BUSINESS ARISING OUT OF THE MINUTES	4
4.1	Status Sheet	4
5.	MOTIONS OF RECONSIDERATION	4
6.	MOTIONS OF RESCISSION	4
7.	CONSIDERATION OF DEFERRED BUSINESS	4
8.	HEARINGS	4
8.1	Public Hearings	4
8.2	Variance Hearings	4
8.2.1	Appeal of the Development Officer's Decision to refuse an Application for a Variance - 1034 Bland Street	5
8.2.2	Appeal of the Development Officer's Decision to approve an Application for Variance - 6409 Pepperell Street	5
9.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	8
9.1	Correspondence - None	8
9.2	Petitions	8
9.2.1	Petition - Peninsula South Community Association - Comprehensive Planning Process for University Avenue between Tower Road and Seymour Streets	8
9.2.2	Petition - Peninsula South Community Association - Comprehensive Planning Process for the former Ecole Beaufort, 1589 Walnut Street	8
9.3	Delegations	8
10.	REPORTS	8
10.1	Halifax/Halifax County Watershed Advisory Board	8
10.1.1	Appointments and Reappointments to the Halifax/Halifax County Watershed Advisory Board	9

**Peninsula Community Council
Minutes**

3

February 10, 2003

11.	MOTIONS	10
12.	ADDED ITEMS	10
12.1	Displacement of Snow by Contractors (Councillor Blumenthal	10
13.	NOTICES OF MOTION	10
14.	PUBLIC PARTICIPATION	10
(i)	Presentation - 2003-2004 Budget	10
15.	NEXT MEETING	13
16.	ADJOURNMENT	13

1. **CALL TO ORDER**

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

2. **APPROVAL OF MINUTES - January 13, 2003**

MOVED by Councillor Sloane, seconded by Councillor Blumenthal that the minutes of the January 13, 2003 meeting of Peninsula Community Council be approved, as distributed. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following items were added to the agenda:

12.1 Displacement of Snow by Contractors (Councillor Blumenthal)

Information Item: Information Report - Jubilee Road Issues

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the agenda, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

4.1 **Status Sheet** - No unresolved items

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

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

8. **HEARINGS**

8.1 **Public Hearings** - None

8.2 **Variance Hearings**

8.2.1 Appeal of the Development Officer's Decision to refuse an Application for a Variance - 1034 Bland Street

- A staff report dated February 5, 2003 submitted by Sean Audas, Development Officer, was before Community Council for consideration.

Mr. Sean Audas, Development Officer, briefly reviewed the February 5, 2003 staff report. Mr. Auda indicated that staff was recommending that the decision of the Development Officer to refuse the variance be upheld.

Mr. Audas responded to questions from members of Community Council.

The Chair called for persons wishing to speak relative to this variance appeal.

Mr. Dave Jones, 1034 Bland Street

Mr. Jones addressed Community Council noting that he was the applicant. He went on to indicate that the deck was located in his backyard and his intent was to enclose underneath the deck so making a room from which he could have access from his basement. Mr. Jones indicated that he would be using the area for cold storage and a wine cellar. He went on to indicate that all of the neighbours he spoke with had no difficulty with the addition.

The Chair called three times for persons wishing to speak. Hearing none, it was **MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the variance hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillor Sloane, seconded by Councillor Blumenthal that Peninsula Community Council allow the appeal and overturn the decision of the Development Officer enabling the applicant to proceed with the addition.

MOTION PUT AND PASSED UNANIMOUSLY.

8.2.2 Appeal of the Development Officer's Decision to approve an Application for Variance - 6409 Pepperell Street

- A staff report dated February 5, 2003 submitted by Stephen Higgins, Development Officer, was before Community Council for consideration.
- A Statement of Facts re Proposed Development, 1980 Oxford Street, dated January 30, 2003 from Mr. Joseph Metlege was also circulated to Council.

Mr. Stephen Higgins, Development Officer, briefly reviewed the February 5, 2003 report noting that staff's recommendation is that Council uphold the Development Officer's decision to approve the variance. Mr. Higgins responded to questions from members of Community Council.

Mr. Tom Lynch, 6425 Pepperell Street

Mr. Lynch, appellant, addressed Community Council making the following points:

- Mr. Lynch does not believe that the setback restriction applied to the east side of Pepperell Street, but only to the west side of the street down to Beaufort Street.
- The awning at the Oxford Theatre is only an overhang, and not viewed as a permanent structure which does not impact the street.
- Developing on the corner will have a detrimental effect on an already difficult traffic situation. The ability to see on coming traffic will be impaired.
- The proposal is not in keeping with the neighbourhood, the neighbourhood is residential with many families and this proposal is being marketed to seniors.
- Concern that any precedent set here will result in an enormous swell of change on the street. Note was made that HRM is already dealing with a situation at 1270 Oxford Street.
- Mr. Lynch noted, contrary to the impression given by Mr. Metlege in his submission, the neighbours were never ready to approve a variance.

Mr. Dean McNeill, 1963 Cambridge Street

Mr. McNeill, appellant, addressed Community Council indicating the following:

- This variance will impact the character of the neighbourhood with an elementary school only 100 yards away.
- Architecturally the proposal does not fit in the neighbourhood.
- Mr. McNeill sees no reason why the variance should be granted.
- The proposal will obstruct the traffic view on an already dangerous corner.
- This area is already part of a traffic calming area and this proposal will only add to the problem.
- The 25 foot setback is appropriate for the neighbourhood and should be maintained.

Mr. Joe Metlege, developer of the property

Mr. Metlege, address Community Council responding to the concerns brought forward this evening:

- With reference to concerns regarding traffic, the driveway is to be located off Pepperell Street as required by the Traffic Authority. Although the present structure on the

property is set back 25 feet, there is a hedge right on the property line. The proposal will not cause any additional obstruction of the traffic view.

- The property is R-2 and as of right can be developed as two lots. With this variance the zoning remains R-2, the footprint of the proposed building is not changed nor is the number of units or height of the building.
- The proposal is for high end luxury condominiums. A concrete structure with underground parking and elevator access.
- With the variance the proposal will be more aesthetically pleasing with two similar size buildings. If the variance is not allowed, one narrow building and one much larger building will occupy the lots.
- The variance also allows for parking. Without the variance parking will be surface rather than underground.

Mr. Metlege then responded to questions from members of Community Council.

Mr. L. Lawen, 12 Palmer Hill

Mr. Lawen, on behalf of the developer, addressed Community Councilor commenting as follows:

- The awning on the Oxford Street Theatre is a permanent structure which has been there for almost 30 years.
- The Traffic Services Department of HRM had no issues with traffic excepting that the driveway be located on Pepperell Street rather than Oxford Street.
- The only request the developer is making is for a minor variance.
- The developer has considered 12 to 16 different subdivisions of the land to achieve the proper size and to take into consideration underground parking.
- Parking will be partially covered surface parking if the variance is not granted.
- Mr. Metlege has met several times with the residents and the Councilors and will continue to do so if the variance is approved.

Ms. Pat Lynch, 6425 Pepperell Street

Ms. Lynch addressed Community Council making the following points:

- Ms. Lynch reinforced that safety is an issue with the proposal. There is a great deal of traffic in the neighbourhood and the proposal will have a negative impact on that traffic.
- The residents have never indicated that they would be in favour of the proposal
- Architecture is relevant to the neighbourhood as it is a family neighbourhood.
- The requested variance is a major variance.
- This is another example of a creeping industrial problem in the municipality.

- Ms. Lynch indicated a major concern with the size of the proposal.

The Chair asked three times for persons wishing to speak. Hearing none, it was **MOVED by Councillor Sloane, seconded by Councillor Blumenthal that the public hearing be closed.**

A discussion and questioning of staff ensued with Councillor Sloane assuming the Chair to provide Councillor Fougere an opportunity to question staff.

Councillor Sloane returned to her seat and Councillor Fougere resumed the Chair.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that Peninsula Community Council deny the appeal and uphold the decision of the Development Officer to approve the variance. MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

9.2.1 Petition - Peninsula South Community Association - Comprehensive Planning Process for University Avenue between Tower Road and Seymour Streets

Councillor Fougere served a petition on behalf of the Peninsula South Community Association calling for Peninsula Community Council, on behalf of HRM, to establish a Comprehensive Planning Process to regulate the proposed major developments along University Avenue between Tower Road and Seymour Street. Councillor Fougere referred the petition to staff for a report.

9.2.2 Petition - Peninsula South Community Association - Comprehensive Planning Process for the former Ecole Beaufort, 1589 Walnut Street

Councillor Fougere served a petition on behalf of the Peninsula South Community Association calling for Peninsula Community Council, on behalf of HRM, to establish a Comprehensive Planning Process for the former Ecole Beaufort, 1589 Walnut Street. Councillor Fougere referred the petition to staff for a report.

9.3 Delegations - None

10. REPORTS

10.1 Halifax/Halifax County Watershed Advisory Board

10.1.1 Appointments and Reappointments to the Halifax/Halifax County Watershed Advisory Board

- A staff report dated January 23, 2003 submitted by Lynne LeBoutillier, Legislative Assistant, was before Community Council for consideration.

MOVED by Councillor Blumenthal, seconded Councillor Sloane that Peninsula Community Council:

Appoint or reappoint the following as members of the Halifax/Halifax County Watershed Advisory Board and ratify reappointments of the following representatives of various community based organizations involved within the Municipality as follows:

Mr. Glen Williams - District 2 - reappointment to November 2005

Mr. Lawrence White - Chebucto Community Council - reappointment to November 2005

Ratification of appointments:

Representatives from each recognized community based organization involved in watershed protection and related activities within the Municipality:

Dr. Wayne Stobo representing SWEPS - reappointment to November 2004

Mr. Keith Manchester, Shubenacadie Canal Commission - reappointment to November 2004

Mr. Frank Hope, Woodens River Watershed Environmental Organization - reappointment to November 2005

Mr. David Dwyer, Musquodoboit Harbour Area Rate-Payers & Residents Association (MHARRA) (previously he represented Petpeswick Inlet Property Owners Association (PIPOA) MHARRA has assumed its responsibilities) - reappointment to November 2004

Mr. Walter Regan, Sackville River Association - reappointment to November 2004

Mr. Shalom Mandaville, Soil and Water Conservation Society of Metro Halifax - reappointment to November 2004

New Applicants:

Dr. Spencer H.S. Lee, District 13 - Appointment to November 2005

Ms. Christine Anne Smith, under Clause 'd' of the terms of Reference - Appointment to November 2005

Ms. Janis Rod - under Clause (d) of terms of reference - Appointment to November 2005

MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS - None

12. ADDED ITEMS

12.1 Displacement of Snow by Contractors (Councillor Blumenthal)

Councillor Blumenthal noted that he had received inquiries from a number of contractors who remove snow in HRM and are not permitted to dispose of the snow in the harbour when HRM staff does dispose of snow in this matter. Councillor Blumenthal requested that staff provide a report regarding where contractors involved with snow removal can dispose of snow and why they cannot dispose of it in the harbour.

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION

(i) Presentation - 2003-2004 Budget

Ms. Dale MacLennan, Director of Financial Services, gave a brief covering the following topics:

- Where we are Today
- Moving Forward - Strategic Initiatives
- Budget Process
- The Capital Budget Shortfall
- Total Assessment Values (2002-03 and 2003-04)
- Fiscal Changes
- Options
- Public Participation

A copy of Ms. MacLennan's presentation is on file.

Ms. MacLennan then responded to questions from members of Council.

Referring to public participation, Councillor Sloane suggested that the presentation and phone numbers be aired immediately before the Council session on Channel 10.

The Chair thanked Ms. MacLennan for her presentation.

(ii) Public Participation

Mr. Hugh Pullen, 6262 Oakland Road

In response to a question from Mr. Pullen regarding whether the new Transit buses represented an increase in the number of buses, Ms. MacLennan advised that no the new buses replaced retiring buses. She went on to note that the age of the fleet required significant maintenance and resulted in frequent breakdowns. In order to maintain the level of service, new buses were required to replace aging equipment.

Mr. Pullen went on to compliment HRM and HRM staff for the increased opportunity for public participation in the budget.

Mr. Pullen went on to briefly review an e-mail he had forwarded to HRM regarding the three separate tax rates - rural, suburban and urban. He went on to suggest that the rates are skewed against the urban taxpayer and noted he believed there should be one rate based on assessed value. Mr. Pullen asked if there was a relationship between the varying tax rates and the electoral districts of Councillors sitting on Council and will this be considered in the proposed redistribution of Council seats. Mr. Pullen asked if there was an overlay map showing representation based on the tax rate system.

Mr. Pullen went on to note that many residents living outside of HRM use of the services within the urban area (eg. streets) and asked if there was any consideration of a user pay system. He went on to refer to priorities and the fact that there are many need to have and nice to have items discussed. He asked what mechanism was in place to determine what is need to have and what is simply nice to have. In conclusion, Mr. Pullen asked if there was any consideration of ability to pay for those living on a fixed income.

In response, Ms. MacLennan made the following points:

- Three rates were adopted by Council in 1997 recognizing the differing levels of service. There are a number of area rates and the general rate includes different things. The package of services under the general rate differs.
- There is no direct relationship between the tax structure map and the district boundaries.

- The fairness of the assessment system is questionable? How balanced? The issue is that assessment is determined to be based on a) level of service and b) some determination of ability to pay. The reality is that waterfront property has a greater assessed value without getting more service.
- Given the size of HRM, most of the people utilizing the urban core services live within HRM and pay taxes within HRM. These people do not necessarily pay the urban rate.
- Council is the mechanism which determines the need to have/nice to have issues. There is a need for public participation before taxpayers get a notice that their taxes are being increased. The public can provide direction on what things they expect HRM to provide.
- Ability to pay is loosely connected to the Assessment system and there are a number of programs, both Municipal and Provincial, which deal with hardship situations.

Mr. Graham Doyle, 2238 Harvard Street

Mr. Doyle addressed Community Council indicating that he was interested to hear that assessment was linked to level of service and ability to pay. He went on to advise that his assessment had increased by 35% and taxes have increased as well, but he has experienced a reduction in service. Mr. Doyle went on to suggest that when the assessment increased the tax rate should have decreased. In conclusion, Mr. Doyle referred to sidewalk snow removal and indicated that snow removal from sidewalks should be based on linear feet rather than assessment.

Mr. Rod McNeil, 1146 Cartwright Street

Mr. McNeil addressed Community Council suggesting that the Province should adopt a cost approach or a direct sales approach (market) to assessment.

In response, Ms. MacLennan indicated that the Province had done a review of the Assessment system in 1994 which provided that new buildings (within two or three years) would be assessed on a cost approach, while all others were done on a market value approach.

Mr. McNeil asked if there is any quality control within the Provincial Assessment system.

Ms. MacLennan noted that there is a right of appeal and HRM does do a review and appeal if they deem it necessary.

Ms. MacLennan indicated that she would welcome the opportunity to discuss this matter further with Mr. McNeil.

15. **NEXT MEETING** - Monday, March 3, 2003

16. **ADJOURNMENT**

There being no further business, the meeting adjourned at 8:50 p.m.

Sherryll Murphy
Legislative Assistant