

WESTERN REGION COMMUNITY COUNCIL

MINUTES

AUGUST 27, 2001

THOSE PRESENT: Councillor Reg Rankin, Chair
Councillor Gary Meade
Councillor Stephen D. Adams

ALSO PRESENT: Roger Wells, Regional Co-ordinator, Planning Services
Blair Blakeney, Regional Co-ordinator, Park Planning
and Development
Sandra Shute, Assistant Municipal Clerk

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1. **CALL TO ORDER**

The meeting was called to order at 7:00 p.m. in the Council Chambers at 2750 Dutch Village Road, Halifax. At a later point in the meeting, the Chair recognized MLA Bill Estabrooks.

2. **APPROVAL OF MINUTES**

2.1 **Regular Meeting - June 25, 2001**

MOVED by Councillor Meade, seconded by Councillor Adams to approve the Minutes of meeting held on June 25, 2001 as circulated. MOTION PUT AND PASSED.

2.2 **Special Council Session - July 17, 2001**

MOVED by Councillor Meade, seconded by Councillor Adams to approve the Minutes of Special Meeting held on July 17, 2001 as circulated. MOTION PUT AND PASSED.

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

Move Item 10.2 before Item 9.

Added Items: Request for Waiver of Fees re Case No. 00391 - Development Agreement Application from the Society for Women Healing from Addictions and Abuse on behalf of The Marguerite Centre

Councillor Meade: Ingram River Lane
Taxation/Property Assessments

MOVED by Councillor Adams, seconded by Councillor Meade to approve the Order of Business as amended. MOTION PUT AND PASSED.

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

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

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

8. **PUBLIC HEARINGS** - None

Re 10.2 Presentation that took place at this time, see Item 10.2 further on in the Minutes.

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS**

9.1 **Presentation by Recreation Staff and Public Meeting re Surplus Parkland - Governors Lake**

A Staff Report dated August 14, 2001 was before Community Council.

Mr. Blair Blakeney, Regional Coordinator, Park Planning and Development provided the following information with regard to this issue:

- Several members of the public brought this issue forward who live adjacent to Governors Lake Park and who have been experiencing public nuisance over time.
- Staff has brought forward a recommendation to Community Council which is contained in the Staff Report.
- With the proposal to consider Governors Lake Park surplus, staff hopes to find an alternative site to develop another park to serve the community. Governors Lake Park is strangely configured with poor road frontage with long narrow access into the park, poor visibility, hidden playground, 20' of useable water next to the adjacent property owner with the remaining having a ridged faced cliff. On the other side of the property, there is a hidden cove which is attractive to after-hour activities.
- Based on planning and design configurations, staff feels it is important to look elsewhere to see if there is an opportunity in the community for a better park.
- Staff understands it is necessary to work with the community very closely to develop a better park, deal directly with issues and try to help the residents who border the park who are having tremendous problems with public nuisance.
- An opportunity that will be investigated will be the land holdings of Kimberley Lloyd but staff are only in very early negotiations in this regard.

Following Mr. Blakeney's presentation, it was agreed to hear from the public. There were approximately 60 people in attendance for this issue.

Ms. Sandra Bell, representing the Governor's Glen Residents' Association, submitted a history of the creation of the Governor's Glen Parkland and quoted from same.

Ms. Terra Lee Hammond, on behalf of the Governor's Glen Residents' Association, provided the following information:

- A survey was prepared and residents of the area contacted regarding same. Two meetings were held to develop the questionnaire and survey schedule. The questions were designed to obtain a profile of the community and parkland use. A total of 131 completed surveys were obtained.
- She provided statistics on how long the residents have lived in the community and the age groups of children.
- She provided information on the use of the park.
- 106 said no to closure, 20 had no opinion and five said yes. Only three of the five live near the park area.
- Of the one quarter of the people reporting problems with using the park, the problems include foul language, vandalism, broken glass, used condoms and human and animal feces.
- 60 people are willing to serve on a community recreation committee and 74 people are interested in forming a community policing group for Governor's Glen.
- The recommendation is not to close the existing parkland but to work towards improvements, establish a community policing group, request that staff report on the availability of funds and work with a community development contract for long term park planning.

Ms. Hammond also submitted a fax dated August 26, 2001 from Derek Cann, who was unable to attend the meeting. Councillor Rankin read the fax into the record. Mr. Cann was opposed to any plan to reduce or eliminate any part of the area designated as parkland in Governor's Glen.

Mr. Rick Evans, President, Governor's Glen Residents' Association, raised the following points:

- The park is unique because it is on a cliff with an incredible view of the lake. The beach is used on a regular basis by many.
- Instead of closing the park, investment should be made in the park - floats and increasing the park on the bluff to be more user friendly. There should be recreation programs at the facility.
- Care has to be taken in giving up anything to hopefully get something else.
- Additional parkland should be considered in Governor's Glen at the other end of the subdivision.
- No one in the community should have to live with the kind of abusive nonsense that has been going on. The community needs to pull together and deal with it. A number of people have indicated interest in community policing and a recreation committee. People have to take ownership of the parkland and the community so that those who have been victimized will not be in the future.

Cst. Steve Parker, Tantallon Detachment, RCMP advised he had been requested to attend and relate some points from a police officer's point of view:

- He has attended at calls over the last year regarding the park from disturbing the peace, to stolen cars, assaults, trespassing, theft, break and enters. This is in no way unique to this park.
- He provided data from this current summer with 20 calls under the heading Governor's Lake Park. Other addresses would come up separately.
- He supported community based policing.
- Monetary fines do not seem to have the impact they used to.
- A lot of calls at the location in question deal with members of the public who cannot be charged because the Criminal Code does not include them.
- There is a problem with verbal abuse. It is hard to charge someone with harassment.
- The park in its current state is unsafe. It is difficult to see day and night. Any patrol requires foot patrol. Timing is of the essence. The cliffs are a major concern.
- He did not want to see verbal and physical confrontations with people taking the law into their own hands because they would have to suffer the repercussions just trying to live there.
- He was not encouraging closing of the park. There are some indications of special constables but it is resource intensive. Citizens on Patrol are invaluable but they will not solve all the problems because the RCMP still has to attend.
- Statistics are available.

Mr. Paul Soley, Governor's Glen raised the following points:

- The problem is not the park but the people who go there. Closing the park will not solve the problem; it is finding something for the young people to do.
- He questioned the staff report regarding vandalism problems at the playground.
- If a fence goes up around the cliffs, it will not stop people from jumping off.
- The area is vacant and secluded and you will not stop kids from going there.
- He would like to know how much has been spent on repairs to the park to date.
- There is no other place on the lake to swim.

Ms. Rhonda Soley, Governor's Glen stated she felt badly that there has been vandalism and it is necessary to get the community back, police the park and not let the teenagers take over. She did not think closing it would be a solution.

Mr. Joseph Jesudason, 114 Governors Lake Road raised the following points:

- He questioned whether or not there should be on-going bacterial testing of the water. He outlined contacts he had made with Department of Health with regard to testing.

He recommended continued testing. There has to be a playground in the area in order to have a lake tested.

- He would have preferred that the question of closure had been referred to the Residents' Association first in hopes that the Residents' Association could have solved the problems.
- There is access to the lake in another area which is much more secluded. If the public area is closed and people use another area, there could be an accident and the potential that a case could be made that there had been a safer area to access the lake.

At this point, Councillor Adams asked Mr. Blakeney for clarification on the term "closing the park". In response, Mr. Blakeney advised that if staff found an alternative site that could be better developed, the land in question would be declared surplus. Staff was not recommending closure without an alternative. Closure would mean elimination of the facilities there now, no longer deemed parkland, the land declared surplus and sold. It could be sold as a building lot and/or divided up between adjacent property owners so that the land becomes private property. A residential home could be built there.

Ms. Bev Sponagle, Governor's Lake raised the following points:

- She did not want to see the park closed; her daughter used it regularly during the day.
- She provided information on a Drug Intervention Committee out of which has been formed a BLT Network Community Committee, the purpose of which is to find and facilitate places for youth in the three communities.
- Youth in the community have a lot to offer and are often short changed. They are not given opportunities because there is nowhere for them to go and no facilities or recreation for them to participate in. She acknowledged the community does have more programs than two years ago but has a long way to go.

Ms. Sylvia Power stated she bordered the park and was one of the people who calls in the complaints. She provided the following information:

- She cannot go out on a summer afternoon and sit on her dock or have company in her back yard because of the foul language.
- They are terrified of fire. The teenagers are there every night after midnight.
- It is fine for people to say cut the trees out but there are only three families who can see what goes on in the park.
- She related the articles of garbage cleaned up from the park on a regular basis.
- There are not only kids but adults causing problems. A woman was laying on her dock sunning herself and when Ms. Power asked her to move, she was met with abuse.
- She asked why the people who border the park could not have the use of their property and the pleasure everyone else gets in their back yard.

Ms. Cheryl Harrison, Governor's Lake raised the following points:

- She has been to the park many times but has not seen the damage outlined in the letter or what was being outlined by speakers.
- You cannot stop vandalism totally.
- The people who live near the entrance to the park would have been well aware there was going to be a park there.
- The RCMP response time is three hours.
- There should be brighter lights, the fence should be extended higher with a physical lock and the park should be closed after hours.

Mr. Eric Mueller, Governor's Lake, 19 years old, raised the following points:

- He helped build the park. He acknowledged as a teenager himself there were a lot of kids on the streets and goings on.
- The park might need improvements but it is not something that cannot be fixed.
- Vandalism is not that bad; kids will be kids.
- The park is a good place for everybody.

Mr. Nick Antoft submitted a Brief researched and prepared by himself and quoted from same. In conclusion, he acknowledged that everyone would agree that there are nuisance and safety hazards associated with the park; however, if action takes place now, further tragedies can be avoided. The Brief also contained options to address the current situation that Community Council might wish to take.

Mr. Doug Harrison, 58 Governors Lake raised the following points:

- There are behavioural and people issues. The problems were not coming from the kids but from the youth. It was up to everybody in the neighbourhood to take a look around and see who is doing it.
- If you take the park away, the people will still go there.
- He apologized to the people who border the park. People should be looking after the neighbourhood better.

Mr. Stan Marriott stated he lived behind the park in a mini home and sees what happens. He witnessed robberies, throwing trees, foul language, using private property. It was not just the older teens but young ones, girls and boys from 3-4 years and up. It goes on every day and late at night.

Mr. Kirby Major advised he was a new resident of Governor's Lake and raised the following points:

- One of the selling features was the park when he bought his house.
- Offensive language is coming from older people.
- It comes down to the parents of the children using the park. It is the parents' responsibility to teach kids respect.

Ms. Rhoda Doiron, 30 Governors Lake Drive raised the following points:

- She deals with the problems every day with teenagers calling her names, using foul language, intimidating her and staring down her backyard.
- She has come home with 20 people in her gazebo, children going to the bathroom in her backyard.
- She was getting tired of babysitting and waiting for someone to get hurt; she did not know where the parents are.
- She was tired of people and teenagers telling her she does not own the lake.
- She saved a child in the water at the cliff in December.
- Something has to be done.

Ms. Sandra Bell raised the following points:

- She was disturbed to hear there were problems with adults as well as children.
- She asked that Community Council take a close look at the RCMP statistics re criminal versus nuisance and how it compares to other parks.
- She requested that Community Council take into consideration the words "tremendous problem" used by Recreation Staff.

Mr. Bill Power, Governor's Lake stated that parkland was needed but it should be better than what we have. With regard to the meetings held by the Residents' Association, none of the neighbours of the park were invited to these meetings. The Residents' Association finally came forward with the survey last night. There was no need for swearing in the park which comes from adults as well as kids.

Mr. Greg Hebb, 30 Governors Lake Drive submitted a prepared presentation and read same. He indicated there has been \$9000 damage to the park in the last three years.

The Public Meeting portion having been completed, Community Council members then made comments.

Councillor Rankin raised the following points:

- The ultimate decision will rest with Regional Council if indeed a recommendation does come forward.

- It was his suggestion that brought the issue forward for possible closure and disposition of the property.
- This Public Meeting is a positive event because it makes it a community issue.
- The recommendation from staff before Community Council tonight is to dispose of the property provided there is a requirement for an alternate site. He supported that but only if there is an alternate site.
- When the land was deeded over to the former Halifax County, he did not hear anyone speak positively about the land in question. It was always described negatively as a piece of land with a dangerous cliff; however, the best possible was done with the land available and a tot lot developed.
- This is a community issue. The community has to take ownership. The standard is not to compare with other parks.
- The issue here is fundamentally quiet enjoyment of property. Everyone deserves quiet enjoyment of property which is a fundamental principle throughout the nation. Nowhere did he see policies that would make an exception if you are next to parkland.
- The present status quo is unacceptable. The right thing is to work co-operatively and not make it a divisive issue.
- People have indicated their willingness to work on a committee and Citizens on Patrol. He was willing to work with the community.
- Mr. Blakeney is prepared to work with the Residents' Association.

Councillor Adams raised the following points:

- Nobody wants to put up with problems in the middle of the night or have the park closed. What needs to be done is clean up the problems.
- He did not understand why No Trespassing and the 10 o'clock closure was not enforced.
- He expressed amazement of what some of the neighbours were putting up with in regard to their property. Some were hiding behind the laws of the land. A way has to be found to get rid of the element that is causing the problem and give assurances to the abutting neighbours, particularly when they live in fear of retribution. Some are ruining it for everyone else.
- He would not support closing the park unless there is an alternative put forward that is much better.
- There appears to be no responsibility taken on behalf of the parents for the action of their children.
- As he was a member of the Police Commission and there was a need for immediate response from the RCMP, he offered to contact Superintendent Stan Ferguson, RCMP to make sure that Superintendent Ferguson is aware of what is happening at this location and ask what can be done to help remedy the situation.

Councillor Meade raised the following points:

- It sounds like the community is being overrun.
- The RCMP should be asked to check every half hour this long weekend coming up.
- It is time to start taking the park back for the community and work with Recreation Department.
- The children should be taken home to the parents, who are causing the problems.

Councillor Rankin, at this time, reiterated the need for community monitoring and the RCMP effort. He said development of a schedule and presence was important. The survey reflects the availability of people power.

MOVED by Councillor Rankin, seconded by Councillor Adams that:

1. **Governor's Lake Park be declared surplus only on the condition that an alternative site can be acquired by the Municipality to serve as a neighbourhood park and provide lake access to the community;**
2. **Staff be directed to investigate acquiring alternative lands for the purpose of a neighbourhood park for this community to provide equal or better facilities than what is presently provided.**
3. **Any potential proposal be taken back to the community.**

Councillor Rankin asked for input from Mr. Blakeney with regard to the motion on the floor. He noted that there may be an opportunity in future phases for retention of two properties, recognizing the lack of water access in the area.

Mr. Blakeney responded with the following points:

- It is important that the community has expressed its need for parkland.
- Staff feels there is a standard design function in the park that makes it a problem.
- If there is an alternative to create proper buffers to adjacent properties, better open exposure for neighbourhood watch and make the park more functional, taking control of the resources would still have to be the end result.
- Staff is willing to meet with the residents and try to address the problems.

MOTION PUT AND PASSED UNANIMOUSLY.

10. **REPORTS**

10.1 **Conservation Zone Throughout Mainland South and Former District 5 (Herring Cove Backlands)**

Councillor Adams advised that no action was required on this item because it was taken care of at a community meeting.

10.2 **Case 00265 - Request to Amend the Municipal Planning Strategy for Timberlea/Lakeside/Beechville to Enable a Mixed Use Golf Course Community on a 530 Acre Site and to Enter into a Development Agreement to permit up to 3200 Dwellings in Conjunction with an 18-hole Golf Course, Town Centre and Commercial Area**

Mr. Roger Wells, Regional Coordinator, Planning Services advised that staff had not been able to provide a report for this meeting and, instead, would be providing a verbal update. Mr. Wells' verbal update included the following:

- Staff has been negotiating with the developer for a number of months and attempting to reach a stage where something could be brought forward to Community Council at this meeting; however, consensus was not achieved on all items.
- A Development Agreement, mutually satisfactory, is close at this time.
- With regard to a related item of the capacity of the Timberlea/Lakeside/Beechville sewage treatment plant, if growth continues in the community at large, the initial design capacity is being approached. When the sewage treatment plant was originally designed and built in the 80's, it was designed as a modular system capable of being upgraded in phases to accommodate an ultimate population of approximately 30,000 people.
- The existing sewage treatment plant is designed to accommodate 10,000 people and the build out of the proposed golf course community will exceed capacity.
- It is incumbent on the Municipality to look at the next phase of expansion and, therefore, staff has contacted Department of Environment to determine what is required in order to proceed with an upgrade.
- A response has been received from Department of Environment, copy of which was circulated to members of Community Council. He quoted from same.
- Staff is prepared to undertake preparation of Terms of Reference for carrying out a receiving water study and retain a development consultant to undertake same.
- Tertiary level is an increased level of treatment not currently available. The affluent that eventually ends up in Nine Mile River will be cleaner than at a secondary treatment level.

Councillor Rankin advised that a public process would take place in due course with regard to the proposed changes to the Municipal Planning Strategy and a proposed Development Agreement.

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **Request from the Society for Women Healing from Addictions and Abuse on Behalf of The Marguerite Centre for a Waiver of the Application Fee re Case No. 00391 - Development Agreement Application**

A letter dated August 22, 2001 was before Community Council requesting consideration of a waiver of the application fee for the above application.

MOVED by Councillor Adams, seconded by Councillor Meade to waive the application fee re Case No. 00391. MOTION PUT AND PASSED.

12.2 **Ingram River Lane**

Councillor Meade outlined a proposal by the residents of Ingram River Lane to upgrade their road.

MOVED by Councillor Meade, seconded by Councillor Adams to forward the request to Private Roads Committee and that HRM be requested to finance the road by way of an area rate in the amount of approximately \$15,000 before it is turned over to HRM. MOTION PUT AND PASSED.

12.3 **Taxation/Property Assessments**

Councillor Meade outlined a request from the Allen Heights Property Owner's Association requesting clarification as to the cost versus taxes paid in that area and asking for information on cost allocations by District to allow appropriate understanding as to cost of service versus tax income.

MOVED by Councillor Meade, seconded by Councillor Adams to send the request for information to Reg Ridgeley, Financial Services for a report on how much tax is coming back into the community. MOTION PUT AND PASSED.

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

Mr. Bill Estabrooks, MLA referred to a motion made at the June 5, 2001 meeting of Community Council regarding responsibilities for road maintenance between Department of Transportation and Halifax Regional Municipality and the subsequent response received from Department of Transportation, which appeared as an Information Item on this Agenda. This

was a letter from the Minister of Transportation dated June 20, 2001. Mr. Estabrooks requested clarification on the information contained in the letter, background information and inequities regarding revenue neutral.

All three Councillors provided input and clarification on this issue.

Subsequently, Mr. Estabrooks indicated that he would be pursuing the issue and wanted to go on record that he knows there is a different level of service, specifically in certain areas where HRM staff provides the service.

15. **NEXT MEETING DATE** - September 24, 2001.

16. **ADJOURNMENT**

On a motion from Councillor Meade, the meeting adjourned at 9:35 p.m.

Sandra M. Shute
Assistant Municipal Clerk