

WESTERN REGION COMMUNITY COUNCIL

MINUTES

JANUARY 27, 2003

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

ALSO PRESENT: Barry Allen, Municipal Solicitor
Ernie Brennan, Parkland Planner
Kurt Pyle, Development Officer
Sean Audas, Development Officer
Jim Bauld, Diversion Planning Coordinator
Bruce Fisher, Manager, Financial Planning
Gordon Roussel, Financial Coordinator
Sandra Shute, Legislative Assistant

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

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

6. **MOTIONS OF RECONSIDERATION** - None

7. **MOTIONS OF RESCISSION** - None

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

9. **PUBLIC HEARINGS**

9.1 **Variance Hearing**

9.1.1 Appeal of the Development Officer's Decision to Approve an Application for Site Plan Approval - 1275 Old Sambro Road, Harrietsfield

A Staff Report dated January 23, 2003 was before Community Council.

Councillor Rankin asked for clarification from the Municipal Solicitor as to who should be permitted to speak on this issue and pointed out that what is relevant are the conditions under which the Development Officer made his decision based on the Criteria - a to j - outlined in the Table on page 4 of the Staff Report.

Mr. Barry Allen, Municipal Solicitor advised Community Council that the criteria are all contained in the Land Use By-law and Community Council is restricted to making the same range of decisions the Development Officer was able to make. This is an Appeal pursuant to the Act and, under the Act, only certain people are entitled to appeal within a certain distance of the property. Someone would have to show, beyond that distance, that they will be affected by the decision in a manner different from the general public and if it would adversely affect the enjoyment or value of their property. Primarily, it would be the people within 30 metres of the property in question.

Mr. Sean Audas, Development Officer provided an overview of the Staff Report with the aid of an overhead. Included in his presentation was a review and analysis of the Criteria from a to j. He explained that, as the Development Officer, he approved the site plan based on the criteria as shown and, based on the Municipal Government Act, notification of the approval was circulated to all property owners within 30 metres. Six appeals of the Development Officer's decision are attached to the Staff Report. Community Council had three options: 1) approve the site plan as shown; 2) request changes or 3) refuse the plan.

The Chair then called for speakers within 30 metres of the subject property.

Mr. David Grace, Exit Realty, advised he was representing Butler Brothers Limited, owner of properties adjacent to the site in question. He raised the following points:

- The Butler Brothers property was currently listed with Exit Realty which is a 15 acre site and there was another site across the road with 37 acres.
- There are currently policing problems with the Preston site. He asked what assurances were available for his client that his land would be preserved and the value not affected.
- His client's property is on a small lake. People are looking for pristine property in the Metro area and are beginning to move into the rural areas.
- Would HRM be willing to approve the property for the same use next door if there was another client interested for the same type of use.

In response to Mr. Grace's last point, Mr. Kurt Pyle, Development Officer advised the potential of the abutting property of Butler Brothers to go to a C & D operation would not be permitted as the Plan is very clear and the site in question is a very unique situation. The area is designated Residential and such a facility should not be in a residential area.

Councillor Rankin asked if there is a case for injurious affection, would it be a different process. In response, Mr. Allen advised there are no claims for injurious affection arising out of planning matters.

Mr. Grace stated that if this is an R-2 area and if his client is not able to do anything with it, then there would be a detrimental affect on the property.

Mr. Greg Zwicker, Wallace Macdonald & Lively, on behalf of RDM Recycling Ltd. requested that Community Council consider the ten criteria included in the Staff Report. On behalf of RDM Recycling, he advised that the applicant has tried his best to meet the ten items.

Ms. Geraldine Naugler, 32 Venus Drive, Harrietsfield raised the following points:

- She was concerned about the type of development that would be adjacent to her property.
- She asked why the berm in the area was not coming down around to protect the houses near her. When she comes off what she thinks is the back border of her property, there are no trees in that general vicinity.

In response, Mr. Audas referred to the overhead and stated there is a large area of existing vegetation and mature trees close to Ms. Naugler's home. The berm was extended where there was not a lot of ground cover. He also pointed out on the overhead the blue line which

indicated the limit for disposal. Mr. Pyle added that if and when there are any changes proposed, the applicant would have to go through the whole process again, which would include notification to the abutting residents.

MOVED by Councillor Adams, seconded by Councillor Meade to close the hearing for the appeal. MOTION PUT AND PASSED.

MOVED by Councillor Adams, seconded by Councillor Meade to uphold the Development Officer's decision to grant site plan approval for a C&D disposal operation at 1275 Old Sambro Road, Harrietsfield. MOTION PUT AND PASSED UNANIMOUSLY.

10. **CORRESPONDENCE, PETITIONS AND DELEGATIONS** - None

11. **REPORTS**

11.1 **Proposed Meeting Schedule**

MOVED by Councillor Meade, seconded by Councillor Adams to adopt the proposed Meeting Schedule. MOTION PUT AND PASSED UNANIMOUSLY.

11.2 **Proposed 2003/04 Budget- Public Information Session**

See Public Participation below - Section 15.

11.3 **Membership on Halifax/Halifax County Waters Advisory Board**

A report dated January 23, 2003 was before Community Council containing recommendations for appointment to Halifax/Halifax County Waters Advisory Board. The recommendations contained in this report will also be before Chebucto Community Council, Peninsula Community Council, Marine Drive Valley and Canal Community Council and North West Community Council at future dates.

MOVED by Councillor Meade, seconded by Councillor Adams that Western Region Community Council appoint or reappoint the members of Halifax/Halifax County Waters Advisory Board as contained in the report dated January 23, 2003 and ratify reappointments of representatives of various community based organizations involved with the Municipality also as contained in the same report. MOTION PUT AND PASSED UNANIMOUSLY.

12. **MOTIONS** - None

13. **ADDED ITEMS**

13.1 **Snow Removal - Sambro Loop and District 23**

Councillor Adams indicated that he has received numerous calls relating to snow removal from residents of Sambro Loop as a result of the past few storms because Department of Transportation has been remiss in their responsibilities for clearing snow. This is further exacerbated by the fact that those citizens drive through Spryfield to Harrietsfield to Sambro and see the difference in the plowing service provided by HRM.

MOVED by Councillor Adams, seconded by Councillor Meade that a letter be written to Department of Transportation asking for an explanation as to why residents of the Sambro Loop are being plowed out 36 hours after a storm for the last few snow events, which is further exacerbated by the comparisons and contrasts with HRM forces, and to ascertain what can be done to better improve the service to the residents of Sambro Loop. MOTION PUT AND PASSED.

Councillor Meade pointed out that problems with snow removal service are not unique to District 18. District 23 has the same problems.

MOVED by Councillor Meade, seconded by Councillor Adams that concerns regarding snow removal service for District 23 also be included in the letter to Department of Transportation. MOTION PUT AND PASSED.

13.2 **Signalization of the Intersection of Route 213 at French Village Road/Fox Hollow Drive**

Councillor Meade referred to Information Item No. 3 on the Agenda regarding the above and the fact that the letter from Department of Transportation dated October 7, 2002 indicated the developers of St. Margaret's Bay Village and the Esso station have been requested to provide a traffic impact study for the subject intersection.

MOVED by Councillor Meade, seconded by Councillor Adams that a follow-up letter be written to Department of Transportation requesting a copy of the study and, if not available, to advise when it was expected to be completed. MOTION PUT AND PASSED.

13.3 **State of Peggys Cove Road - Route 333**

Councillor Meade referred to Information Item No. 4 which is a letter from Department of Transportation dated November 5, 2002 regarding the state of Peggy's Cove Road, Route 333.

MOVED by Councillor Meade, seconded by Councillor Adams to send a follow-up letter in relation to the status of improvements to Peggy's Cove Road for the upcoming fiscal year. MOTION PUT AND PASSED.

13.4 Status of Negotiations with Sunrise Cemetery and First United Baptist Church

Mr. Ernie Brennan, Parkland Planner advised that at the September 23, 2002 meeting of Community Council, staff had agreed to provide an update within 90 days regarding the progress of negotiations. Although the time frame has been longer than 90 days, he wanted to advise at this time that progress has taken place regarding both requests.

With regard to the First United Baptist Church, Mr. Brennan advised that a site has been identified and the price and exact location are being negotiated. He anticipated a Purchase and Sale Agreement would come forward within the next 30-60 days.

With regard to Sunrise Cemetery, Mr. Brennan circulated a Conceptual Layout Plan and advised that meetings have taken place with Mr. Hatcher and his consultant. The land in question is the approximate area of land on the Conceptual Layout Plan. He anticipated that within the next 60 days a Purchase and Sale Agreement would be coming forward.

13.5 Westwood Hills Residents Association - Proposed Area Rate

A Staff Report dated December 9, 2002 was before Community Council. Bruce Fisher, Manager, Financial Planning was in attendance with regard to this report.

Councillor Meade asked for clarification on the signing authority for dispersal of funds. In response, Mr. Fisher advised that the Councillor has no control over area rate funds, it is under the auspices of the Residents Association, subject to the Policies of HRM and audit procedures.

Councillor Meade also asked what would happen if there were an additional 100 lots in future. In response, Mr. Fisher advised that the area rate could only be imposed on the area outlined in the Staff Report. The public process would have to be repeated for another 100 lots and a decision would have to be made regarding whether or not they would be included or separate from the original lots.

MOVED by Councillor Adams, seconded by Councillor Meade to recommend to Regional Council that Regional Council approve a flat rate of \$50.00 to be applied against the properties within the mapped area depicted in Appendix A of the Staff Report dated December 9, 2002 effective with the 2003/04 fiscal year for the purpose of enabling the Westwood Hills Residents Association to develop parkland and other recreational amenities within the Westwood Hills Subdivision. MOTION PUT AND PASSED UNANIMOUSLY.

At this point, Councillor Adams left the meeting (7:45 p.m.)

14. **NOTICES OF MOTION** - None

15. **PUBLIC PARTICIPATION**

15.1 **Other Public Participation**

MLA Bill Estabrooks asked for an update on development of a ball field on former Department of Transportation property on the Hammonds Plains Road and 103, keeping in mind the twinning of the 103, and HRM's contribution.

In response, Councillor Meade advised that meetings have been taking place with the Mayor and senior staff but he understood that the land was going to be leased. HRM did not make a contribution to groups or organizations leasing land. As well, he did not think the twinning of the 103 would affect the location in question.

15.2 **2003/04 Budget Process**

Mr. Gordon Roussel, Financial Coordinator, with the aid of overheads, provided budget information for 2003/04 which included:

- Where we are today
- Moving Forward - Strategic Initiatives
- Budget Process
- Capital Budget Shortfall
- Total Assessment 2002/03 and 2003/04
- Fiscal Challenges
- Options
- Public Participation Process

At the request of Councillor Rankin, Mr. Fisher, Manager Financial Planning provided information on how increases in assessment are being considered at this time in the budget.

With regard to improved transit services, Councillor Meade asked that consideration be given to provision of Access A Bus service to Bayers Lake Business Park.

Councillor Rankin referred to the Transit Study and stated that the Lacewood Terminal was an important focal point for provision of service to Hammonds Plains/Timberlea. It was important to see a return on taxes for transit service for Hammonds Plains/Timberlea. In response, Mr. Fisher agreed to contact Kenny Silver in Transit Services.

Councillor Rankin then reiterated his concerns, expressed previously at Regional Council, regarding one tax rate to provide for fire services. He provided further clarification and advised he would be bringing this up again during budget deliberations by Regional Council in the near future.

Mr. Roussel referred to the fact that staff has prepared a Public Comment Sheet with regard to the Budget 2003/04 and would be asking the public to fill these in at each of the meetings of the six respective Community Councils. He made copies of same available.

16. **NEXT MEETING DATE** - Monday, February 24, 2003.

17. **ADJOURNMENT**

On a motion from Councillor Meade, the meeting adjourned at 8:30 p.m.

Sandra M. Shute
Legislative Assistant