

HALIFAX REGIONAL MUNICIPALITY

**WESTERN REGION COMMUNITY COUNCIL
MINUTES
APRIL 26, 2004**

PRESENT: Councillor Reg Rankin, Chair
Councillor Steve Adams
Councillor Gary Meade

STAFF: Mr. Barry Allen, Solicitor
Ms. Patti Halliday, Legislative Assistant

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1. CALL TO ORDER

Councillor Rankin, Chair, called the meeting to order at 7:00 p.m.

2. APPROVAL OF MINUTES

2.1 Regular Meeting - March 29, 2004

MOVED by Councillor Adams, seconded by Councillor Meade, that the minutes of March 29, 2004, be approved, as circulated. 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 Ketch Harbour Wharf
- 12.2 Councillor Rankin - Potential Area Rate for St. Margaret's Bay Arena
- 12.3. Councillor Adams - Speeding Concerns: Iris, Arbutus and Primrose Avenues
- 12.4 Councillor Adams - Pit between 2600 and 2700 Old Sambro Road
- 12.5 Councillor Adams - Illegal Dumping: Look-off on John Brackett Drive
- 12.6 Councillor Rankin - Potholes, Beechville-Lakeside-Timberlea - Citizens on Patrol
- 12.7 Councillor Rankin - Status of Street Paving Request to Province
- 12.8 Councillor Rankin - Status of Transfer of Roads in Hammonds Plains Area as requests by HRM
- 12.9 Councillor Rankin - Lack of Second Exit in Highland Park
- 12.10 Councillor Rankin - Lack of Protocol with regard to damage caused by snow plows by sub-contractors during "White Juan"
- 12.11 Councillor Rankin - Civic Addressing - 2 Lake Place

MOVED by Councillor Adams, seconded by Councillor Meade, that the Order of Business be approved, as amended. MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet Items

- 4.1.1 671 Old Sambro Road
- 4.1.2 Feasibility of Extending Transit Service to Lucasville
- 4.1.3 Reardon Property - Possible Land Purchase
- 4.1.4 Proposed Transit Service Sambro Loop

- 4.1.5 Relocation of Transit Platform - Maplewood and Eisener
- 4.1.6 1001 Prospect Road - Land Exchange
- 4.1.7 Highway Realignment at Civic 2999 Timberlea
- 4.1.8 Western Commons
- 4.1.9 Proposed Amendments to MPS & LUB re: Watercourses
- 4.1.10 Intersection English Corner (Pockwock Road/Route 213)
- 4.1.11 Recreation and Negotiations with School Board

Due to time constraints, the Status Sheet items were not addressed at this meeting.

5. **MOTIONS OF RECONSIDERATION - NONE**

6. **MOTIONS OF RESCISSION - NONE**

7. **CONSIDERATION OF DEFERRED BUSINESS**

7.1 **Variance Appeal: 193 Lakeshore Drive, Hammonds Plains**

This item was deferred to the next meeting.

8. **PUBLIC HEARINGS**

8.1 **Case 00616 - Amendments to the Prospect and Chebucto Peninsula Land Use By-Laws - Tourist Accommodations**

C A staff report prepared for Paul Dunphy, Director, Planning and Development Services, regarding the above, was before Community Council for its consideration.

Mr. Angus Shaffenburg, Planner, presented the staff report.

Councillor Rankin called for members of the public wishing to speak either in favour of or against the amendments.

Mr. Jim Edwards

Speaking against the amendments, Mr. Jim Edwards addressed Community Council quoting from a letter from Shelley Webb, Chair, St. Margaret's Bay Regional Tourism Development Association, which he submitted for the record.

Mr. Shaffenburg stated someone applying to be in the Province of Nova Scotia tourism guide would have to have a letter from HRM indicating that they have zoning approval for a tourist

accommodation. He noted HRM does not have any regulatory authority over tourist accommodations or the standards for tourist accommodations. Mr. Barry Allen, Solicitor, confirmed that HRM's authority is with respect to zoning and all other issues with respect to accommodations would be the responsibility of the Province.

Mr. George Pyke

Also speaking against the amendments, Mr. George Pyke, Co-Owner, Anchor's Gate Bed and Breakfast, addressed Community Council, making the following points:

- C If these amendments are adopted, the industry will be destroyed.
- C There were more illegal tourist accommodations in Bayside the last two years than legal ones, yet the Department of Tourism is responsible to enforce licensing requirements.
- C His family business spends almost \$20,000 on wages for its employees.
- C The amendments do not address signage which is a major concern.
- C The amendments do not address how many units will be permitted per kilometre or in each village.
- C If the amendments are passed, many new businesses will only open for the summer months, taking away necessary business from the established businesses that have to survive the entire year.
- C Road access is another issue that needs to be addressed.

In closing, he requested Community Council to reconsider this issue taking into consideration advice provided by those in the business.

Ms. Shelley Webb

Ms. Shelley Webb addressed Community Council making the following points:

- C This not a minor issue and Planning staff should re-examine it and consider all the ramifications before Community Council makes a decision.
- C The amendments provide a facile solution to illegal tourism operations which is absolutely unacceptable.
- C The issue should be put on hold until further study is conducted and the amendments seriously revised.
- C It is essential that HRM and the Province work together with respect to this situation.

Councillor Adams clarified that the issue before Community Council is zoning only, which is minor in nature. However, he noted that the Community Council has learned from this meeting that the issue of enforcement is a major one.

Councillor Rankin called three times for any further speakers. Hearing none, the following motion was put.

MOVED by Councillor Adams, seconded by Councillor Rankin, that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COMMUNITY COUNCIL DECISION

Based on the information heard through the Public Hearing, Councillor Adams stated that due to the lack of enforcement from the Department of Tourism and Culture, approving these amendments could condone illegal operations and flood the market with inappropriate operations.

MOVED by Councillor Adams, seconded by Councillor Meade, that this matter be deferred to the next meeting pending clarification from the Department of Tourism and Culture regarding regulations and controls of accommodations in Planning Districts 4 and 5, not limited to but including signage, density and standards. MOTION PUT AND PASSED UNANIMOUSLY.

At this time, it was agreed to deal with Item 12.2 Councillor Rankin - Potential Area Rate for St. Margaret's Bay Arena.

12.2 Councillor Rankin - Potential Area Rate for St. Margaret's Centre

C A report prepared for Dan English, Deputy Chief Administrative Officer, to Halifax Regional Council, regarding the above, was before Community Council for its information. The matter was before Community Council at this time for a public meeting.

Councillor Rankin provided opening remarks regarding the potential area rate for St. Margaret's Arena, noting Prospect and Lucasville are excluded from the catchment area for this area rate.

Mr. Mike Labrecque, Director, Real Property and Asset Management, and Mr. Bruce Fisher, Manager of Financial Planning, Financial Services, addressed the public regarding this issue providing background information regarding the St. Margaret's Centre expansion and the potential area rate.

In response to a question of Councillor Meade, Mr. Tim Hill, Chairman, Board of Directors, St. Margaret's Centre, stated the Board has determined the project will not go over budget. If the situation arises where more has to be spent in one area of the facility, less will be spent in

another. He stated the Board has approximately \$500,000 left to raise, and the fundraising Chair has assured him this goal will be met.

Councillor Rankin opened the floor for members of the public wishing to speak on this issue.

Mr. Larry Camp, St. Margaret`s Bay, inquired if the cash flow projections were done before or after the moratorium on development was put in place. Mr. Hill responded they were done based on the identified need now and the land available at the facility today.

Mr. Wayne Shellnutt, Kingswood, questioned how the St. Margaret`s Centre can be sure it will fare better than the Sackville Sports Stadium did with its expansion. Mr. Hill stated the St. Margaret`s Centre has always been successfully run since its origin and there has been continuity on the Board for the past six years. The Board has also been successful in obtaining \$4.5 million from various levels of government and in fundraising \$1 million to date for this project from major donors. In terms of operating numbers for revenue and expenses being used by HRM, Mr. Hill noted they are significantly more conservative than those provided by the Board, and the Board believes the Centre will do much better than suggested. Mr. Hill further stated that the Board has spent a lot of time examining the problems faced by the Sackville Sports Stadium and engineering what it will do to avoid similar problems. Councillor Rankin stated there has been no obligation since the inception of the St. Margaret`s Centre that has not been met. With respect to concern expressed by Mr. Shellnutt regarding the catchment area, Mr. Hill stated there are a lot of residents of Kingswood that use the facility. Mr. Shellnutt questioned why an area rate is always pursued and questioned why a flat rate for every property owner could not be implemented. Mr. Fisher responded that could be an alternative.

With respect to the difference between this situation and the Sackville situation, Mr. Labrecque stated the main difference is Sackville added a curling rink with significant capital costs which were not recoverable by curling membership fees alone. Sackville also attempted to initiate a small restaurant (anticipated to bring in \$50,000 - \$75,000 net return) which never materialized.

Mr. Rhys Harnish, Hubbards, inquired why area rates are imposed in the rural areas and the general rate is used to fund similar projects in the urban areas. Mr. Labrecque stated the portion of this project that is over and above what HRM would have endorsed as the immediate need is the gymnasium and some of the community space which draws the covenant of an area rate if it is required. Mr. Harnish requested that Community Council consider excluding the Hubbards/Ingramport area from the catchment area as they are not entitled to take part in the TASA Minor Hockey Association. In response, Mr. Hill suggested if an area rate is eventually imposed, a case may be made at that time to exclude this area if it is not in the geographical boundary of TASA.

Mr. David Wood, Maplewood Subdivision, Treasurer, TASA Minor Hockey Association, stated this is a very important project for the community and a lot of work and effort has been put into it. He noted there is no anticipation that the area rate will be required but even if it was it will be the best money every spent by the community. Mr. Wood cautioned those present if the project is not supported tonight the opportunity will be lost.

Mr. Ross Evans, noted with a second ice surface the catchment area for TASA may change.

Speaking for a second time, **Mr. Camp** stated he supports the project 100 percent, but stated he also has concerns about rural areas being treated different than the urban areas with respect to area rates. Mr. Labrecque stated the area rate approach was taken as it is a good financial planning strategy on the part of Council. Also, on the condition of loaning money, the districts need to understand that Council holds the Board accountable to deliver the project and operate the facility as well as it can. Councillor Rankin noted if the scope of the project was limited to the Burke Oliver report recommendation of a second ice surface there would be no area rate. However, the Board had the ambition to come forward for other things on behalf of the community and to lever \$1.5 million from both the federal and provincial government.

With respect to concerns expressed regarding the Civic Arena, Councillor Adams clarified the improvements were paid by the Forum Commission through fundraising and were not recovered by the general rate. Mr. Fisher noted all the major facilities in HRM are required to breakeven as a condition of their management agreements and none receive funds through the general tax rate with the exception of the Sackville Sports Stadium.

Ms. Louise Latremouille, St. Margaret's Bay Minor Basketball Association, spoke about other benefits of the St. Margaret's Centre expansion, noting there are 300 children in the St. Margaret's Bay Minor Basketball Association who will use the new gymnasium. She stated she believes the expansion will be a success as the Board is determined to make it work.

Mr. Dan McEvoy, Prospect Road, inquired if communities on the Prospect Road/Highway 333 will be participating in this area rate. Councillor Rankin responded that former District 4 of the County of Halifax is excluded. Mr. Fisher also confirmed that this was correct.

Ms. Diane Webster, Oak Lane, expressed concern that this was the first she has heard of this proposed area rate. Councillor Rankin and Mr. Labrecque explained the reasoning for the short notice.

Speaking for a second time, Mr. Evans noted the benefit of an area rate is that the residents know where the money is being spent.

Mr. Dean Hopkins, Hubley, stressed the importance of a facility such as this as it provides a base for youth activities. He stated \$20 per year is a small price for a better community.

Speaking for a second time, **Mr. Harnish** inquired why Prospect Road was exempt from the potential area rate. In response, Councillor Rankin stated there was a case to be made for that area being a community unto itself in terms of their aspirations of a community centre. Mr. Harnish also expressed concern regarding the short notice and location of the meeting.

MOVED by Mr. Brecken Hills, seconded by Mr. Tim Hill, that the proposal for a maximum potential area rate of \$.015, to be effective no earlier than 2006, in the event of a shortfall resulting in an operating deficit for the St. Margaret's Arena, to be implemented in the catchment area of Districts 22 and 23, excluding that portion known formally as District 4 of the former Halifax County and all of Lucvasville Road, be accepted.

With respect to the Hubbards/Ingramport area, Mr. Harnish put forth the following amendment:

MOVED by Mr. Harnish that the motion be amended to exclude the area between Hubbards and Ingramport from the catchment area.

There was no seconder for the amendment. **AMENDMENT LOST.**

A discussion ensued regarding alternatives to an area rate.

MOVED by Wayne Shellnutt, seconded by Diane Webber, that the motion be amended to change the charge from an area rate to a flat rate per dwelling.

Councillor Rankin noted, with the current proposal, if assessments rose, the area rate would be decreased by the same percentage in 2006.

AMENDMENT PUT AND DEFEATED.

The vote was then taken on the Main Motion. Mr. Fisher advised that only people living in the catchment area should vote. Prior to stating their vote, each voter confirmed their residence was in the catchment area.

MOTION PUT AND PASSED. (45 in favour, 2 against)

RECESS

A 10 minute recess was taken at 8:45 p.m.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence

None.

9.2 Petitions

None.

9.3 Presentations - None

10. REPORTS - None

11. MOTIONS - None

12. ADDED ITEMS

12.1 Ketch Harbour Wharf

This item was not addressed.

12.2 Councillor Rankin - Potential Area Rate for St. Margaret's Bay Arena

This item was addressed earlier in the meeting.

12.3 Councillor Adams - Speeding Concerns: Iris, Arbutus and Primrose Avenues

Councillor Adams expressed concerns with respect to extensive speeding on these small streets. It was agreed that the RCMP be contacted to request some selective radar enforcement on these streets. Also, that HRM Traffic Services be contacted to see if a lower speed limit and/or children playing signs could be posted in this area.

MOVED by Councillor Adams, seconded by Councillor Meade, that this matter be referred to staff for a report. MOTION PUT AND PASSED UNANIMOUSLY.

12.4 Councillor Adams - Pit between 2600 and 2700 Old Sambro Road

Councillor Adams expressed concern with respect to a pit between civic number 2600 and civic number 2700 Old Sambro Road. The Councillor noted some youth in the area are using this location as a party area and it was agreed that the RCMP be requested to conduct additional patrols in this area, particularly on warm evenings. Further, it was agreed that a request be put forward for large rocks or barriers to be placed at the end of the road to prevent vehicles from entering the pit.

MOVED by Councillor Adams, seconded by Councillor Meade, that this matter be referred to staff. MOTION PUT AND PASSED UNANIMOUSLY.

12.5 Councillor Adams - Illegal Dumping: Look-off on John Brackett Drive

Councillor Adams expressed concern that there appears to be more dumping taking place in this area than usual. It was agreed that a request be put forward to have a number of garbage cans installed in this area as well as “no dumping” signage installed.

MOVED by Councillor Adams, seconded by Councillor Meade, that this matter be referred to staff. MOTION PUT AND PASSED UNANIMOUSLY.

12.6 Councillor Rankin - Potholes, Beechville-Lakeside-Timberlea - Citizens on Patrol

Councillor Rankin submitted a list of pothole concerns from Citizens on Patrol. It was agreed that the list be forwarded to staff.

MOVED by Councillor Adams, seconded by Councillor Meade, that this matter be referred to staff. MOTION PUT AND PASSED UNANIMOUSLY.

12.7 Councillor Rankin - Status of Street Paving Request to Province

Councillor Rankin expressed concern that the Province appears to be proceeding with its own list for street paving outside the core area and not following HRM’s list. It was agreed that the Province be contacted advising them of the Council’s expectation that they continue with the HRM list as that is the understanding of the residents of what is to take place.

MOVED by Councillor Adams, seconded by Councillor Meade, that a letter be sent to the Nova Scotia Department of Public Works and Transportation regarding this matter. MOTION PUT AND PASSED UNANIMOUSLY.

12.8 Councillor Rankin - Status of Transfer of Roads in Hammonds Plains Area as

requests by HRM

This item was not addressed.

12.9 Councillor Rankin - Lack of Second Exit in Highland Park

Information was submitted from a resident with respect to a request for a second exit for Highland Park. It was agreed that the information be forwarded to Mr. Paul O'Brien, NS Department of Transportation, with the support of the Community Council, and copied to the local fire department. Councillor Rankin also requested that he be included in any discussion of the item.

12.10 Councillor Rankin - Lack of Protocol with regard to damage caused by snow plows by sub-contractors during "White Juan"

Councillor Rankin expressed concern regarding damage caused by snow plows by sub-contractors. It was agreed that a request be put forward to staff that the residents who have experienced property damage by snow plows operated by sub-contractors should be addressed in the same manner as those serviced by HRM.

MOVED by Councillor Adams, seconded by Councillor Meade, that this matter be referred to staff. MOTION PUT AND PASSED UNANIMOUSLY.

12.11 Councillor Rankin - Civic Addressing - 2 Lake Place

Councillor Rankin noted a resident has expressed concern regarding a proposed change to their civic address from Lake Place to Juniper Way. The following motion was adopted:

MOVED by Councillor Rankin, seconded by Councillor Meade, that it be recommended to staff that civic address 2 Lake Place, Lake of the Woods, maintain its current civic address and not be changed to Juniper Way. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION

None.

14. PUBLIC PARTICIPATION

Mr. Frank Robinson expressed concern regarding the lack of sewage in Uplands Park. It was agreed that this issue be forwarded to staff for a report to evaluate the request to extend

sewage to the lands (owned by Pender Development Limited) adjacent to the school in Uplands Park.

15. DATE OF NEXT MEETING

The date of the next meeting will be May 31, 2004.

16. ADJOURNMENT

The meeting adjourned at 9:00 p.m.

Patti Halliday
Legislative Assistant