

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL PUBLIC HEARING MINUTES November 18, 1996

PRESENT:

Mayor Walter Fitzgerald
Councillors: Gordon R. Snow
David Hendsbee
Harry McInroy
Jack Greenough
Condo Sarto
Clint Schofield
John Cunningham
Jerry Blumenthal
Graham L. Downey
Larry Uteck
Russell Walker
Bill Stone
Ron Hanson
Barry Barnett
Bob Harvey
Reg Rankin

ABSENT:

Councillors: Bill Dooks
Ron Cooper (Regrets)
Bruce Hetherington (Regrets)
Howard Epstein
Stephen Adams (Regrets)
Peter Kelly
Jack Mitchell

STAFF MEMBERS:

Mr. Barry Allen, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Patti Halliday, Assistant Municipal Clerk

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Mayor Fitzgerald called the meeting to order with an Invocation.

1.1 Amendment to Schedule "Q" of the former Halifax County Subdivision By-Law - Mandatory Paving Boundary in the Beaver Bank and Upper Sackville areas

! A staff report dated October 15, 1996, prepared for George McLellan, Commissioner of Regional Operations, regarding the mandatory paving boundary in the Beaver Bank and Upper Sackville areas, was before Council.

Mr. Ted Tam, Manager, Design Services, presented the staff report which recommended that the former Halifax County Subdivision By-law, Schedule "Q", be amended by adding within its Subdivision By-law the Beaver Bank and Upper Sackville areas as shown in Appendix "A" of the report. Mayor Fitzgerald called for questions from members of Council. There were none.

Mayor Fitzgerald then called for members of the public who wished to speak either in favour or against the recommendation.

SPEAKERS IN FAVOUR

Mr. David Miller, Armoyan Group, spoke in favour of the recommendation stating paved streets enhance the marketing of their projects. However, he felt the report did not address a number of issues as follows:

- 1) How does the policy deal with existing subdivisions in various stages of development?
- 2) How does it deal with subdivisions in the approval stage?
- 3) How does it deal with subdivisions in the preparatory stage but not yet filed? (Mr. Miller noted the Armoyan Group has two developments currently in this stage.)
- 4) What is the effective date of the policy?

Mr. Miller suggested Council adopt the policy pending answers to these questions. With regards to an effective date, Mr. Miller suggested it be January 1, 1998 and that a grandfather clause be put in place as well.

In response to a question from Councillor Barnet, Mr. Allen stated the rule with subdivision matters is if the developer has not yet received approval of a project before the effective date of the policy, they will be subject to the law.

(Councillor Uteck arrived at 6:10 p.m.)

Responding to a question from Councillor Hendsbee asking if the Armoyan Group has plans to pave the roads in the future, Mr. Miller stated as time goes by he expects they would and it would be through a betterment charge.

Mr. Tam noted any development that has received tentative approval would be exempt from this policy. A tentative approval is valid for a two year period. Mr. Miller noted this raises difficulty for them. They have spent a lot of money on developments that will go to staff for approval in the next six months. This is the reason he is requesting an effective date of January 1, 1998. If this amendment is passed now, they would then have to look at the cost factor to see if the subdivision is viable. Mr. Miller stated the financial cost of the mandatory paving will be \$5,000 per lot.

Councillor Stone stated at a cost of \$5,000 per lot, there will not be any new subdivisions coming forward until almost all of the lots are sold. He asked if there was a possibility of putting something in place that would let the homeowners know the streets will be paved for a certain amount of money; therefore, HRM and the developer will not have to pay for it and residents moving in will know they will be responsible for the cost.

Councillor McInroy felt it would be discriminatory to make exceptions to the policy for one developer when there are others who own land in the same area.

SPEAKERS IN OPPOSITION

Mr. John Fenerty, Fenerty Developments Limited, addressed Council stating they have a development in the Upper Sackville area. Mr. Fenerty stated, prior to amalgamation, he was on a review committee in Halifax County to look at these paving boundaries. To increase the price of their lots by \$5,000 would price them out of existence. He is getting \$2,000-\$5,000 less now than five years ago for his lots. If they are required to pave the streets, he questioned if he could stay in business. Mr. Fenerty's other concern is while he was on the committee no one brought forth information that would prove gravel roads cost more to maintain than paved roads. Mr. Fenerty also felt there were alternatives to paving such as chip seal and sand seal. He went on the state if lots keep going up in price, people will not be able to afford to build homes. Mr. Fenerty did not feel paving is feasible in his development as well as other developments in the area. He stated if this boundary change is implemented, development of many subdivisions may be deterred.

In response to a question from Deputy Mayor Greenough, Mr. Fenerty stated he currently has tentative approval for approximately 15-20 lots.

Deputy Mayor Greenough assumed the Chair at 6:40 p.m.

Councillor Schofield stated he was not sure paving should be forced in these areas and agreed with Mr. Fenerty that it will hurt HRM substantially and create hardships at this time for some subdivisions. If it is to be put in place, it should be done over an extended time.

Councillor Stone stated one of the problems he can see is that maintenance costs for HRM will increase. He asked if it is the expectation of HRM that the roads will be graded once per year. Mr. Tam noted he cannot speak on behalf of Regional Operations, but normally with a gravel road it would be graded two or three times per year. In his opinion, comparing maintenance costs of paved and gravel roads, he felt the maintenance costs for paved roads would be less. Mr. Fenerty added that if a road is graded properly it may only have to be done once a year. Councillor Stone stated that people's expectations change once they move into a subdivision. He asked how they can be sure people understand they will not receive any additional service than what they received in the past. Mr. Fenerty replied most people know when they move in what they are getting and that is why they were able to purchase the lot for the lower price.

(Councillor Hendsbee left the meeting at 7:50 p.m.)

Mr. David Merrigan, former County Councillor, addressed Council noting there was a public hearing about a year and a half ago on this issue. As a result of this meeting, a committee was struck made up of engineers, contractors and Councillors. This committee came up with a compromise and made a recommendation which came into effect in April 1996. Now there is another change proposed without any discussion as was done in the past. Mr. Merrigan noted that no one could provide the Committee with information that would substantiate the claim that it would cost more to maintain a gravel road than a paved road. With respect to grading, Mr. Merrigan stated one area of HRM cannot be given a higher frequency of service than another area of HRM.

Mr. Merrigan stated changes need to be made differently and if the rules are going to be changed, the people involved have to be consulted and given lead time. He also stated there needs to be some rural areas in HRM to provide more affordable locations for people to live.

In response to a question from Councillor Barnet as to how the boundary was determined, Mr. Merrigan replied serviceable boundaries were used as well as examining additional active areas. Councillor Barnet noted the service boundary and the paving boundary do not take the same line in Upper Sackville. Mr. Tam replied the majority of the mandatory paving area has central servicing.

Deputy Mayor Greenough called three times for any other speakers. No one came forward.

MOVED by Councillors Cunningham and Schofield that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

DECISION OF COUNCIL

Councillor Cunningham asked if it were to be decided to extend sewer and water services, would it would require digging up the pavement to install these services. Mr. Tam replied if

service is not available in a certain area and the road is paved, and at a later date the decision is made to extend the service, there would be no choice but to tear up the pavement and replace it once the services have been installed.

Councillor Barnet noted there are residents living on 29 gravel roads in his District that are requesting paving of their streets. With respect to residents' expectations, Councillor Barnet stated in some cases people expect paving right away and they expect HRM to pay half of the cost. Councillor Barnet felt Mr. Fenerty's suggestion of chip sealing was a good one, but noted one problem with this alternative is that it will not hold up to construction traffic.

MOVED by Councillors Blumenthal and Schofield that the mandatory paving issue be referred back to staff for further study to include examining the alternative of a seal coat to determine if it is achievable. MOTION PUT AND PASSED.

1.2 Case 7300 - Development agreement to permit a restaurant in the Upper Level Pier 22, Marginal Road

! A staff report prepared by Mr. Dan English, Commissioner of Community Services, dated October 9, 1996, regarding Case 7300: Development Agreement for Pier 22 Marginal Road (Electoral District 12), was before Council.

Mr. Angus Schaffenburg, Planner III, presented the report to Council recommending that the development agreement, which would permit a restaurant in the Upper Level Pier 22, Marginal Road, be approved.

Deputy Mayor Greenough called for speakers either in favour or against the recommendation.

SPEAKERS IN FAVOUR

Mr. Robert Risley, Proprietor, Pier 22, addressed Council in favour of the proposal. He stated that in addition to business taxes they also pay full property tax. Mr. Risley stated he would be pleased to answer any questions Council may have.

Deputy Mayor Greenough called three times for any additional speakers either in favour or against the recommendation.

SPEAKERS IN OPPOSITION - None

MOVED by Councillors Uteck and Sarto that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

DECISION OF COUNCIL

MOVED by Councillors Downey and Blumenthal that the development agreement, which would permit a restaurant in the Upper Level Pier 22, Marginal Road, be approved by Halifax Regional Council; and, that the development agreement be signed within one hundred and twenty days or any extension thereof granted by Council on the request of the applicant, from the date of final approval of Halifax Regional Council and any other bodies necessary whichever approval is later, otherwise this approval will be void and obligations arising herein shall be at an end.

In response to a question from Councillor Stone clarifying the address of Pier 22, Mr. Woods stated the civic address is Marginal Road and Terminal Road is the connection to the city street system.

Councillor Stone stated this was a good use of this facility and it adds to the tourism perspective of the Halifax Regional Municipality.

MOTION PUT AND PASSED UNANIMOUSLY.

1.3 Sale of Waverley Village Office Museum

! A supplementary report prepared by Mr. George McLellan, Commissioner of Regional Operations, dated November 8, 1996, regarding granting the deed of the Waverley Village Office/Museum to the Waverley Ratepayers Association for nominal consideration of \$1.00, was before Council.

Mr. Mike Woods, Real Estate, presented the report to Council recommending that the deed of the Waverley Village Office/Museum be granted to the Waverley Ratepayers Association for nominal consideration of \$1.00.

In response to a question from Councillor Blumenthal, Mr. Woods stated the proposal was put forward on the basis that an area rate would apply. Councillor Snow added the community was of the understanding that there would be area rates if the community desired it. He noted the Village has looked after this building for many years. The building is valued at \$60,000 and it was purchased with ratepayers' funding. The building became the property of HRM on April 1, 1996.

Councillor Walker noted the building may not be approved for tax exemption and, therefore, the Ratepayers Association may need to come up with additional funding. Mr. Woods noted the building is assessed for \$36,000 and the taxes would be about \$900.

In response to a question from Councillor Harvey asking what would happen to the building if the Ratepayers Association was dissolved, Deputy Mayor Greenough stated it could be part of the agreement that the building would be returned to HRM. Mr. Woods replied this could be done but there are some restrictions. Deputy Mayor Greenough requested the Municipal Solicitor to explore this further.

Councillor Stone expressed concern with setting an example for future ratepayer associations expecting to purchase buildings for \$1.00.

Deputy Mayor Greenough called for members of the public wishing to speak either in favour or against this proposal.

SPEAKERS IN FAVOUR

Mr. Bill Lockhart, Waverley Ratepayers Association, spoke in favour of the proposal stating they are concerned about this building. He suggested area rates as well as volunteer fundraising should be used to fund operating costs.

In response to a question from Councillor Stone, the Ratepayers Association indicated they had no problem with the building being turned over to the HRM if the association ceased to exist. However, it was noted that the artifacts of the museum would continue to belong to Mrs. Annie Blois-Smith.

Deputy Mayor Greenough called three times for additional speakers either in favour or against this proposal. No one came forward.

SPEAKERS IN OPPOSITION - None

**MOVED by Councillors Cunningham and Sarto that the Public Hearing be closed.
MOTION PUT AND PASSED UNANIMOUSLY.**

DECISION OF COUNCIL

MOVED by Councillors Snow and Blumenthal that the deed of the Waverley Village Office/Museum be granted to the Waverley Ratepayers Association for nominal consideration of \$1.00. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillors Blumenthal and Uteck that the meeting adjourn at 7:50 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Vi Carmichael
Municipal Clerk